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Standard
JULY 18, 2005
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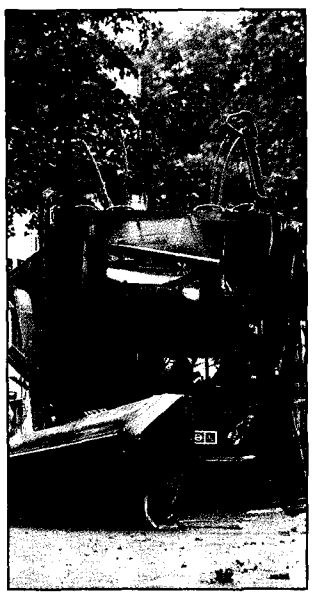

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the weekly Standard

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Tomlinson Agonistes

The weird campaign of abuse against Ken Tomlinson gets weirder. Not long ago, you may recall, Tomlinson dared to suggest that public television and radio, which he oversees as chairman of the Corporation for Public Broadcasting, should meet minimum standards of balance in its public affairs programming. According to Section 19 of the Public Telecommunications Act, this is what the CPB chairman is supposed to do. The steps Tomlinson took to ensure that such an obligation was being met were rather mild—including hiring "consultants" to monitor PBS and NPR programs for balance. The idea made sense. Would you listen to *The Diane Rehm Show* unless you were being paid?

The public broadcasting establishment struck back, quickly mobilizing its surrogates in the press—beat reporters like Stephen Labaton of the *New York Times*, Paul Farhi of the *Washington Post*, and David Folkenflik of (gasp) NPR—to stoke the story day by day with "leaked emails," tremulous comments from "officials who requested anonymity fearing retribution," and the other artifices of scandal journalism. The polemicists have been mobilized as well. In the *Times*, the left-wing columnist Frank Rich launched an attack that, in its viciousness, spineless insinuation, and inaccuracy surpassed even his own high standards.

With a mention of Tomlinson's tenure as head of Voice of America in the 1980s, Rich dismissed him as a "professional propagandist." Beyond the real estate and food sections, readers seldom have reason to suspect that a *Times* columnist will know what he's talking about, but really, Rich might have asked around a bit before making his choice of smears. Tomlinson's VOA stint—as those with long memories will recall—was most notable for his resistance to efforts to "politicize" the agency's broadcasts. He left VOA a far more reliable and objective news outfit than he found it, as professionals there said at the time.

Rich also cites a 1996 book by Peter Canning about *Reader's Digest*, where Tomlinson worked as editor in chief after leaving VOA. As editor, Rich says, Tomlinson was a "kind of Manchurian candidate" figure, responsible for a "spike" in the magazine's "pro-CIA spin." Rich won't come out and accuse Tomlinson of being a spook—indirection is always the better course when tiptoeing through libelous territory—but Canning did, almost, and quickly regretted it. Shortly after the book came out, Canning and his publisher were forced to furnish Tomlinson a letter (which Tomlinson happily furnished us) repudiating any hint of a connection between the *Digest*'s editor and intelligence agencies. Will Rich make a similar retraction?

No doubt Rich was merely recasting (in his vigorous, muscular prose!) a sheaf of raw research handed to him by his friends in the public broadcasting establishment. Fine—that's what professional propagandists do, and Rich long ago abandoned claim to any other job title. But it's odd that such a figure should lecture other people about journalistic standards, and odder still that public broadcasters should orchestrate the abuse. There's a lesson here, for Tomlinson and others.

Yes, a lot of the clichés about public broadcasters are true. They really do drive Volvos, and they really do like Birkenstocks and woolen turtlenecks, and every single one of them has a weakness for Ben Shahn prints. And yes, their devotion to a more peaceful world is beyond questioning. But don't be fooled. These guys play dirty, and they play for keeps. ♦

The Spoils System

The Scrapbook spent its week off flipping through back issues of *Texas Lawyer* magazine and came across this fascinating historical footnote: In 1992, you may recall, the Republicans held their quadrennial convention in Houston, Texas, a city known for its waterways, megachurches, and . . . well, myriad minority set-aside contracting regulations, otherwise known as "Minority/Women Business Enterprise (MWBE) Procedures."

Under Houston law, you see, "prime contractors" must apportion anywhere between 11 and 25 percent of their contracts to businesses owned by women, blacks, Latinos, "Asian-Pacific Americans," Native Americans, or any combination thereof.

We'd explain more, but it gets a little confusing. So confusing that compliance became an issue for the Republican National Committee in 1992. The RNC's municipal liaison, the Houston Host Committee, handed the job off to its volunteer legal counsel. Ensuring compliance took up a lot of his time. It took up so much of his time, in fact, that a few days before the convention began, the assistant counsel—a partner at the Houston law firm Vinson & Elkins—told *Texas Lawyer* that "most of the work in the weeks leading to the convention dealt with ensuring that the host committee made a good-faith effort to see that at least 15 percent of the city's contribution" was "spent with minority- or women-owned businesses." And ensure a good-faith effort he did. Without complaint or criticism.

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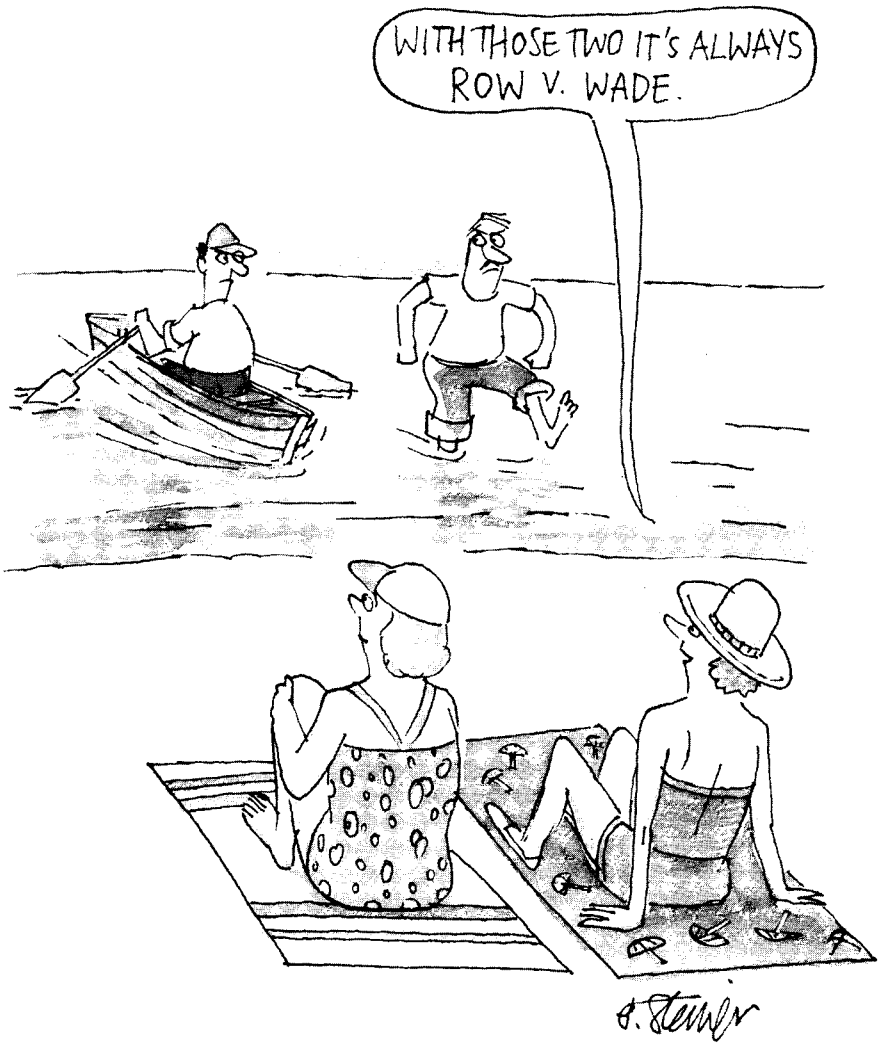

But what do you expect? The assistant counsel was none other than current U.S. Attorney General, and possible Supreme Court nominee, Alberto R. Gonzales—probably not the top choice of those legal eagles who've spent the better part of recent decades litigating against minority set-asides. ♦

An Embattled Free Press Bravely Perseveres

The *Washington Post*'s Robin Givhan, ace fashion critic, reporting from ground zero as U.S. District Judge Thomas F. Hogan sends *New York Times* reporter Judith Miller to prison for contempt of court—thus gravely imperiling the public's sacred right to know . . . stuff like this:

> Miller arrived at U.S. federal district court dressed in black trousers, a quilted black jacket, a yellow shirt and tortoise frame sunglasses. . . . Miller was smiling. It was a pleasant smile. And it was still spread across her face as she was driven off to jail. . . . She was wearing the sort of practical, comfortable and just-stylish-enough clothes that can be worn in any situation, never looking quite right but never looking too terribly wrong either. With her sensible pageboy and its trim bangs, she has the look of an English lecturer at Barnard. Her quilted jacket speaks of Barbour and the Upper East Side. And the black reads like a nod to glamour and chic and the thing that proclaims: I'm a New Yorker and not some well-to-do lady from Chicago. Her style shouts smart, organized and efficient. But mostly, it's flexible.

Given the panic and confusion of the moment, of course, it was more than understandable that eyewitness accounts might slightly differ on certain minor details. It may be, for example, that Ms. Miller's smile was not still spread across her face as she was driven off to jail. To her *Times* colleague Adam Liptak, quite the contrary, "Ms. Miller appeared shaken and scared as she left the courtroom." Moreover, her style may have been shouting something a bit more complicated than just "smart, organized, and efficient." Speaking later to Liptak by phone from the Alexandria Detention Center across the Potomac in Virginia, Ms. Miller remembered having been primarily concerned, from a fashion point of view, with the fact that the U.S. marshals who escorted her out of Judge Hogan's courtroom "put shackles on my hands and feet." ♦

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The Weekly Standard is looking to hire a circulation director. Responsibilities include the usual ones involved with magazine distribution and marketing. Expertise with computers and in math is required. Magazine or other publishing experience is preferred. Mail résumé and cover letter with salary requirements to Personnel Department, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, DC 20036. ♦

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Casual

No Joke

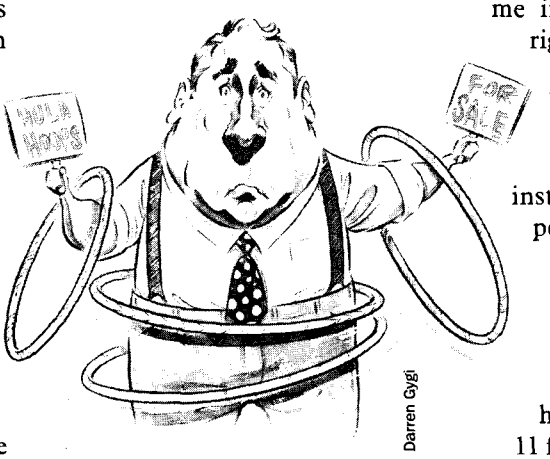
As is its relentless wont, the *New York Times* has brought me bad news, but not just bad news about the world, its standard fare, but about my own life. In a recent Sunday Styles section, the newspaper announced that jokes, formal jokes, with a beginning-middle-and-end structure, are out. "It's a matter of faith among professional comics," the paper reports, "that jokes—the kind that involve a narrative set-up, some ridiculous details and a punch line—have been displaced by observational humor and one-liners." The older kind of jokes now don't cut it, in other words, aren't even yesterday.

Reading this, I felt like a man with a store full of hula-hoops, simulated mother of pearl Zippo lighters, and bolo ties. I have a repertoire of perhaps four hundred jokes that are, if the *Times* is correct, no longer in demand, possibly even in bad taste. Perhaps I should add that I also have the accents to go with these jokes.

I love a well-told joke, which I consider an oral version of a good short story. I once asked students at the beginning of a creative writing course to write out a joke for me. The result was dismal, the jokes dreary, which didn't bode well for the class.

As for how I came into possession of my large stock of jokes, the answer is that when you tell a joke you tend to get a joke told back to you. Having a small reputation as joke teller, I find people with a nice sense of *quid pro quo* often have a joke ready for me. A woman who works at a nearby bakery last week stopped me, one of her sourdough breads in my hand, to report: "Joe, my brother is going with a beautiful and intelligent homeless woman." I looked at her quizzically. Then she continued: "And the best thing about it, he says, is that at the end of the evening he can drop her off anywhere."

Already you will have seen the problem with the old-fashioned jokes: political correctness, that enemy of wit, paradox, and the clear-eyed observation of human oddity. Freud had it that jokes were essentially a form of aggression. People who subscribe to political correctness would agree. For them there are no good jokes—and they, like Freud, aren't kidding.



Darren Gygi

The great preponderance of jokes are about Irishmen, Scotsmen, Poles, blacks, and above all Jews. Nuns, priests, rabbis, dumb blondes, Texans, golfers, and elderly people with undiminished sexual longings also figure in heavily. The homeless woman joke above is of course in wretched taste, but what could be more useless than a joke in good taste?

As other people cannot remember jokes, I find it difficult to forget them. The first off-color (not quite blue, closer to aquamarine) joke I ever heard had the punchline, "Rectum, hell, it almost killed him." I walk the streets with lots of punchlines in my head: "Comfortable I don't know—I make a nice living." "Oy, was I thirsty!" "Whaddya mean Heaven. I'm a buffalo in Montana." "If she dies, she dies." "Last night, and then again this morning." "Who listens?" "If you had a brother, would he like noodles?" "Women of Frampol, I beseech you, move a little."

To avert being shunned by the politically correct, I could, I suppose, fall back on my better quality animal jokes, some of which feature dogs who have spied on the KGB, grizzly bears from whom Chicago policemen are able to wring false confessions, and parrots who know the full liturgies for Rosh Hashanah and Yom Kippur. I also don't mind a joke in which someone is strangling a parrot or threatening to exile him to the freezer for excessive use of profanity, but I recognize that such jokes could easily land me in difficulty with the animal-rights people.

The *New York Times* also blames the Internet for helping to kill jokes. Too many are now whirring around in cyberspace, instead of passing from person to person, as they were meant to have done. In contradistinction to Mae West's law about not being able to get too much of a good thing, opening up an email that begins "Have you heard these?" and is followed by 11 flatly told jokes, ten of which one has indeed heard, can take the smile out of Christmas morning.

I have been in the same room with joke-bores, and it is no *dejeuner sur l'herbe*. I hope I have not myself been one. Yet when a well-to-do woman told me the other day of the hardships she had recently encountered on a bird-watching tour of Costa Rica, I could not help telling her the joke about the woman who goes on a tour that simulates all the conditions of a Roman slave galley and whose punchline has her asking the woman rowing next to her, "Tell me, Mrs. Silverman, when this trip's over, how much do you tip the whipper?"

I have, as I say, four hundred or so of them. If you've heard any of them before, please don't stop me.

Joseph Epstein

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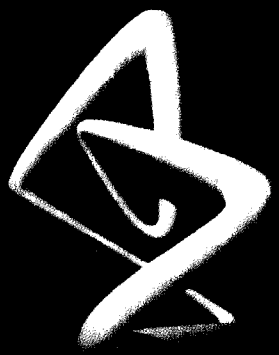

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Open Doors?

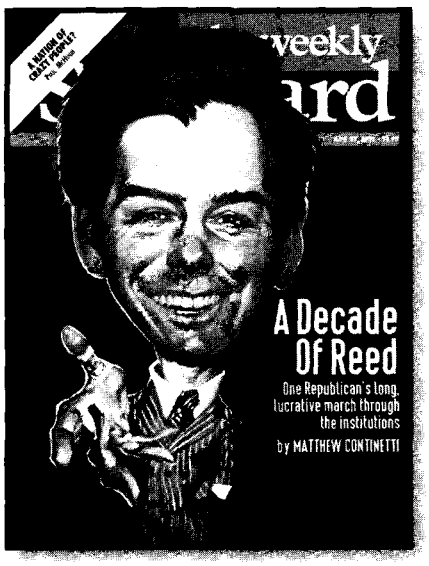
Nicholas Eberstadt's "Bring Them Home" (June 6) misleads readers concerning the efforts of the Republic of Korea's government with regard to the refugees and the human rights situations of North Korea. In calling on the current Roh Moo-hyun administration to be more aggressive in welcoming North Korean refugees, Eberstadt dismisses some very important facts and realities.

The South Korean government, on humanitarian grounds, has so far admitted all North Korean refugees who wish to come to South Korea. In fact, the two South Korean governments that Eberstadt attacks (the administration of President Roh Moo-hyun and his predecessor Kim Dae-jung) have welcomed 86 percent of all North Korean defectors (6,700) to the South since the end of the Korean War in 1953. Few cases, however, are known to the public, because the South Korean government has been dealing with this matter in a low-profile manner, considering the position of other countries who are against making public their cooperation in this matter.

While maintaining this policy, the Korean government improved and revised some aspects of the framework for receiving North Korean defectors in order to tackle rising problems associated with broker interventions and to assist North Koreans who wish to emigrate to South Korea. We have strengthened the screening procedures to pick out those who merely pretend to be North Korean defectors. Also, in order to encourage North Korean defectors to stand on their own feet, we have reduced the initial cash payment and at the same time introduced incentive money that is provided to those who undergo job training. The scale of the settlement stipend is maintained the same as before.

Additionally, there is no truth to the claim that "the ROK Foreign Ministry officially denied that China was rounding up hundreds of escapees and sending them back to North Korea—only to be forced eventually to admit that those stories were true." Because China considers North Korean refugees as economic migrants and does not publicize their arrest or deportation, it is hard for the South Korean government to acquire facts and information about the forced deportation of North Korean refugees. The South Korean government, however, has been consistently requesting China to refrain from deporting them back to North Korea, and to treat them according to their free will from a humanitarian perspective.

Eberstadt claims that South Korean authorities have prohibited the broadcast of the video depicting scenes of public executions of deported North Koreans. Contrary to his claim, all major South Korean networks televised the tape and most newspapers also covered the story. In today's



Korea, where freedom of the press is well advocated and practiced, it is inconceivable that the government would attempt to control the content of media reports.

Eberstadt also mischaracterizes South Korea's Unification Minister as saying that he disapproved of mass defections and promised there would be no more large-scale transportations of refugees. In reality, the minister stated that the Korean government does not have "any plans to induce the defectors to Seoul en masse." He added, "What is really important is to provide them with substantive assistance from a humanitarian standpoint and unnecessary visibility would not help."

Again, this is in line with the government's position that, while it will provide humanitarian assistance to North Korean refugees and actively support and welcome them to South Korea, it will also continue to pursue a "quiet diplomacy" that the Korean government believes is a more effective approach to assist North Korean refugees, taking into consideration the position of those countries rendering cooperation.

In short, like the title of Eberstadt's article, we are "bringing them home"—the doors to South Korea are open.

Soo-Dong O
Minister for Public Affairs
Embassy of the Republic of Korea
Washington, DC

Nicholas Eberstadt responds: I am not surprised that the Republic of Korea's government has formally responded to my essay criticizing Seoul's indifference to the plight of North Korean escapees. I am surprised, however, that the government should base its defense upon a string of assertions that are disproved by reports from South Korea's own free and open press.

The South Korean government asserts, for example, that there is "no truth" to the notion that the ROK Foreign Ministry was caught falsely denying China's forcible deportation of captured North Korean escapees.

According to the *Korea Herald* (June 18, 2004), however, "Chinese security authorities have deported a group of seven North Korean defectors who reportedly staged a hunger protest in a prison camp in the border town of Tumen earlier this year . . . the Ministry of Foreign Affairs and Trade belatedly acknowledged their deportation after denying it for over a month."

Similarly, while the South Korean government insists there has been no official effort to suppress the horrifying video of executions of "refouled" North Korean refugees, South Korea's second largest newspaper, the *JoongAng Daily* (March 30, 2005), reports that: "Despite broadcasts in Japan of a videotape showing alleged summary executions in North Korea, refugees from the North complain that South

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Korean broadcasting companies have been reluctant to show it.

"The issue made international headlines when the U.S. newspaper, the *Christian Science Monitor*, reported this week that, under indirect governmental pressure, South Korean television authorities had not allowed the broadcasting of the tape. The Japanese national network NTV aired the tapes two weeks ago. . . .

"'Nobody says it, but it's obvious that broadcasting companies, especially KBS, have to walk in line with overall government policy,' said Mr. Chun [Ki-won], [a North Korean refugee] who said he was involved in trying to air the tape in South Korea."

Was that report a journalistic fabrication? We might want to ask the South Korean embassy in Washington: Until his appointment, the current South Korean ambassador to the United States was publisher of that same *JoongAng Daily*.

Patton's Anti-Semitism

Andrew Roberts's review of three recent World War II books on the Anglo-American command in northwest Europe ("Generals at War," May 30) is intriguing but contains some dubious assertions.

He writes that Michael Reynolds, author of *Monty and Patton: Two Paths to Victory*, is particularly qualified, having "written three books on the Battle of the Bulge." In fact, Reynolds's previous books have been exclusively about the 1st and 2nd SS Panzer Corps.

In two of the three books mentioned, Reynolds deals with the Battle of the Bulge, but only as one of the many battles these formations fought. Reynolds is a decent historian and writer, although in his Waffen SS histories he tends to admire his subjects a bit much and overlooks or excuses their quite considerable excesses.

Roberts castigates one of the reviewed authors, Trevor Royle, for not mentioning Patton's anti-Semitism. There is no doubt that Patton was an anti-Semite, but so were most of the American regular Army and Navy officers during the war. (My father, a "90 day wonder" who served on active duty as a USNR officer from 1942 to '46, was told upon his application to the USN that it was a "family" into which he was not welcome because of his Judaism.) There is no evidence, though, that Patton's anti-Semitism, even if it exceeded the usual country-club variety, affected his conduct during the war.

Plenty of Jewish officers and men served under Patton and admired him, and he seems to have treated Jewish fighting men well in return. He put a Jewish officer, Abe Baum, in command of the ill-fated Hammelburg raid to rescue his beloved son in law, Colonel John Waters.

Treating the odd Jew well does not make Patton a decent man in this regard, but his anti-Semitism does not seem to have been an important factor in his public and professional life.

Jonathan F. Keiler
Bowie, MD

Reading Reed Wrongly?

I am used to reading the kind of breathless dot-connecting to discount conservatives that is present in Matthew Continetti's "A Decade of Reed" (June 27) in *Newsweek* and other mainstream media, but seeing it in The Weekly Standard is disheartening.

Continetti's portrayal of every single move of Reed as calculated and disingenuous made me feel that he had convicted Reed before he encountered the facts.

Jackie Yuan Byerly
Pleasanton, CA

Mudcat Musings

Matt Labash's "Hunting Bubba" (June 20) was one of The Weekly Standard's most informative and laugh-out-loud funny articles in years.

Mudcat and Jarding are essentially correct in their assessment of the Southern electorate "as voting Republican but they're not Republican" and as "not necessarily satisfied customers." But because they are also essentially correct in their assessment of the DNC grand pooh-bahs being hopelessly out of touch, unless Mudcat himself replaces Howard Dean as head of the DNC, there is nothing he or anyone else can do about the fundamental disconnect.

As long as the arrogant, self righteous elitists of the Democratic party continue to condescend to the voters of the South (and there is no reason to assume they won't), Republicans will continue to win here despite our many flaws.

Roger Austin
Gainesville, FL

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the weekly Standard

Victory in Spite of All Terror

"You ask, What is our policy? I will say; It is to wage war, by sea, land and air, with all our might and with all the strength that God can give us. . . . That is our policy. You ask, What is our aim? I can answer with one word: Victory—victory at all costs, victory in spite of all terror, victory, however long and hard the road may be; for without victory there is no survival."

—Winston Churchill, first speech as prime minister to the House of Commons, May 13, 1940

The armed forces designate the struggle in which we are currently engaged as the GWOT—the Global War on Terror. The term encompasses everything from the military battles in Afghanistan and Iraq, to covert operations, intelligence gathering, and diplomatic efforts all around the world.

The term "global war on terror" has come in for considerable ridicule from sophisticates on the left, and for some disparagement from Bush supporters on the right.

Much of the left believes that the various struggles against different forms of terrorism are better understood as local challenges, and are not part of one "global" struggle; that in any case the effort shouldn't be thought of as a "war"; that "terror" is far too broad a term to use to categorize the deeds of the very different opponents we face. Meanwhile some on the right are made nervous by the "Wilsonianism" of "global," the militarism of "war," and the rhetorical imprecision of "terror." Of this last point in particular, some conservatives have made intellectual sport, pointing out that "terror" is a tactic or a method, that you can't fight a war against a tactic, and that we should more bluntly acknowledge that what we are at war against is radical Islam.

But President Bush and the U.S. military are more right than their critics. Over the last decade, the attacks have ranged from Nairobi to New York, from Bali to Madrid, and from Casablanca to London. This suggests that it is reasonable to consider the struggle a global one. The bloodiness of the attacks suggests it is reasonable to call this a war. And the fact that the attackers' strategy depends entirely on creating terror among civilized people—and the fact that terror in the West is necessary for the jihadists to accomplish their more concrete political aims in the Middle East—suggest it is by no means unreasonable to speak of a war against "terror." After all, we shun and condemn acts of terror. Our enemies embrace and glorify such acts.

Last Thursday's attack on London is the latest in the global war on terror. But it was not the only attack that day. On the same day, "the insurgent group al Qaeda in Iraq," as the *Washington Post* put it, announced it had killed Egypt's top diplomat in Baghdad, Ihab Sherif. Yet how is this "insurgent" group different from the "terrorist" group "the Secret Organization of al Qaeda in Europe"? It isn't.

The insurgents in Iraq are terrorists. They are killing innocent civilians just as surely and just as ruthlessly as their allies in London. Could the war on terror have been successfully prosecuted without removing Saddam? We at THE WEEKLY STANDARD do not believe so. Given the terrorist ties between al Qaeda and Saddam, given what a victorious Saddam, freed of sanctions and inspectors, would have meant to the cause of extremism and anti-Americanism and, yes, terrorism in the Middle East—we cannot imagine leaving Saddam in power. Yet, however one comes down on that judgment, it cannot be denied that the current war in Iraq is part of the global war on terror. Indeed, it is that war's central front. Not only because there are so many terrorists in Iraq, but because, as Abu Zarqawi has acknowledged, creating a successful democracy in Iraq will be the beginning of the end for jihadist terrorists worldwide.

The terrorists who attacked London demanded that Britain pull out of Iraq, as well as out of Afghanistan. It could well be that the deplorable decision of the Zapatero government in Spain to accede to the terrorists' demand to withdraw from Iraq inspired al Qaeda to see whether they could achieve a comparable success in Britain. But in that respect, the resoluteness of the Blair government and the British people could well mean that July 7—despite the

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terrible cost in innocent lives—will turn out to be a setback for al Qaeda. Certainly we must do our best to help make it so.

"We will show through our spirit and dignity that our values will long outlast theirs," Tony Blair said Thursday. "The purpose of terrorism is just that—to terrorize people, and we will not be terrorized." This is the necessary, and admirable, first response. The second is to do everything it takes to crush the terrorists in Iraq, Afghanistan, Europe, and elsewhere; to deter or remove regimes that cooperate with terrorists; and to insist on practical change in nations whose dictatorial regimes provide a breeding ground for terror. Victory in this respect may never be final or complete. But victory remains nonetheless the indispensable aim for the civilized world, if it is to remain civilized. London reminds us that there really is, in this case, no substitute for victory.

—*William Kristol*

Judgment Day

President Bush needs to keep two facts in mind as he looks to replace retiring Supreme Court justice Sandra Day O'Connor (and, should he step down, Chief Justice William Rehnquist). The first is that he can win confirmation of almost any conceivable nominee for the High Court, screams of protest by Democrats and hostile media coverage notwithstanding. The second is that he has a promise to keep. Since he began running for the White House six years ago, he has declared endlessly his intention to select judges who interpret the law rather than create it—in a word, conservatives. On this, he has never equivocated.

The number 55 (or 56 if you count Vice President Cheney's vote in the event of a tie) looms large. The Senate majority of 55 Republicans limits Democrats to three possible means of blocking a conservative nominee. 1) Through a procedural maneuver like a filibuster, or by demanding documents they know the White House will never release. 2) By discovering an ethical lapse in a nominee's past. 3) By spooking the president with disingenuous calls for an O'Connor clone, or by claiming every potential conservative nominee is outside the mainstream. None of these is likely to work.

For a filibuster to succeed, Democrats would need the cooperation of three of their seven colleagues who joined the Gang of 14 in limiting the filibuster in cases of judicial nominations. And they would need at least six of the seven Republican gang members to agree that "extraordinary circumstances" have occurred and that a filibuster is permissible. The possibility of this happening is—well, it's all but impossible. Three of the Republicans have already indicated they'd vote to invoke the "nuclear option" to thwart a judicial filibuster. And only two defectors from the Gang of 14 are needed to pass the nuclear option.

As for the document ploy, it is a tool of obstruction, not a form of legitimate inquiry, and everyone knows it. Democrats used it in 1986 in hopes of preventing Rehnquist's elevation to chief justice. In that instance, the Reagan White House compromised, mostly on its own terms. Now Democrats are using the ploy again to drag out the confirmation fight over John Bolton, nominated for ambassador to the United Nations. However, there's only one way an unsatisfied demand for documents can ultimately deny confirmation of a Supreme Court nominee: through a filibuster. And we know a filibuster won't fly.

Should an ethical flaw crop up during confirmation hearings, the Bush White House would probably have itself or its nominee to blame. FBI full-field investigations only go so far. It's up to the president and his aides to make sure a nominee doesn't withhold information that, once disclosed, threatens confirmation. Pre-nomination scrutiny by administration officials isn't foolproof, but the tougher and more probing it is, the less chance of trouble later.

The president should dismiss outright Democratic arguments against naming a serious judicial conservative. In essence, Democrats want a nominee who, like O'Connor, lacks an underlying judicial philosophy and instead approaches legal issues on a case-by-case basis. We've seen what happens with such justices. They drift to the left. And rather than restrain judicial overreach, they take the court deeper into political and social realms that should properly be left to the elected branches of government. That a nominee happens to be a Republican matters little. O'Connor and Justices John Paul Stevens and David Souter were Republicans when they joined the Supreme Court. Their party identification offered only false hope to conservatives about how they would vote as justices.

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Nor are Democrats likely to treat any Bush nominee—even an O'Connor lookalike—in the manner in which Senate Republicans dealt with President Clinton's two nominees, Ruth Bader Ginsburg and Stephen Breyer. Those nominees were encouraged by Republicans not to answer questions they deemed inappropriate. And so they declined to answer dozens of questions on race, religion, abortion, the death penalty, gun rights, gay rights, and school vouchers. No Bush nominee will be granted such courtesy. We know this because Democrats have said so.

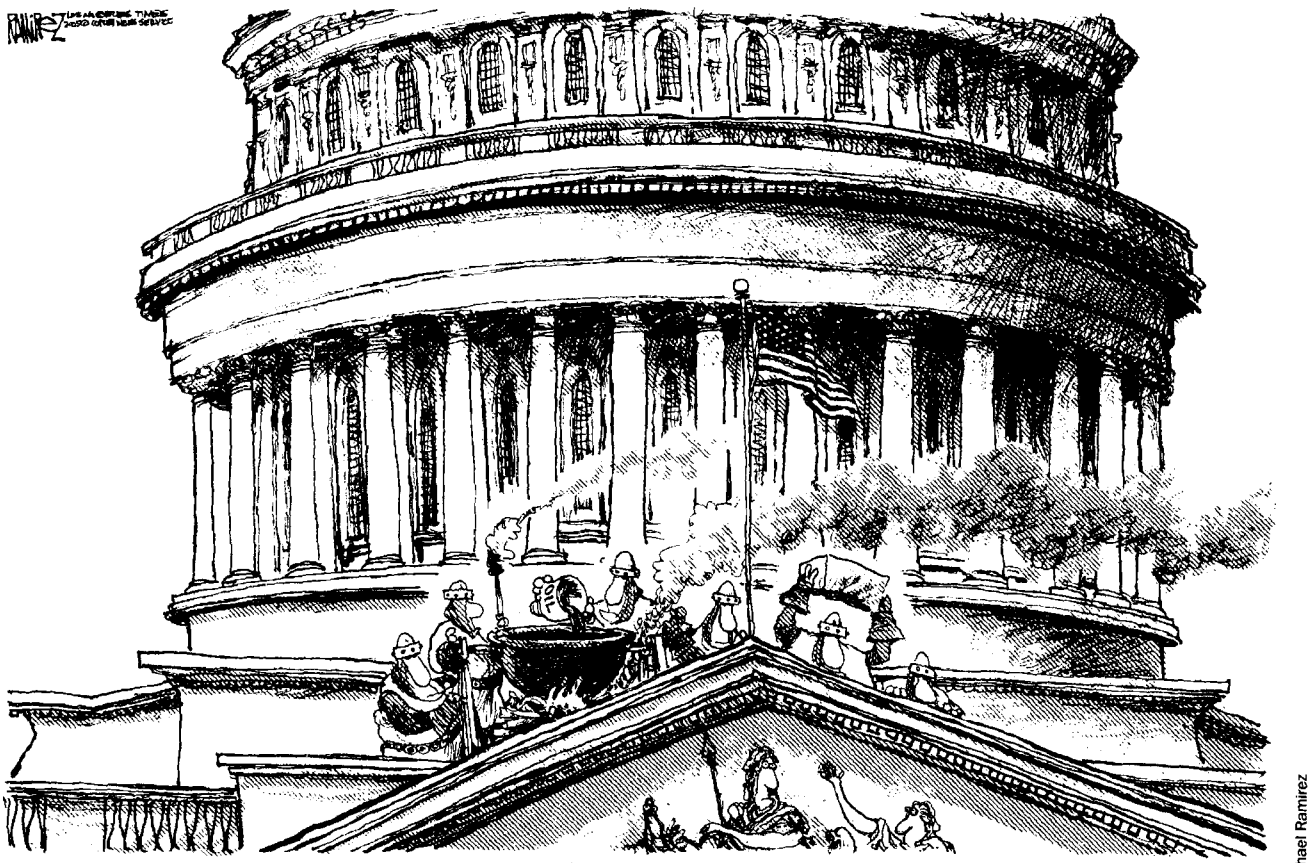
Now to Bush's promise. From the early days of his presidential campaign, he's vowed to name judicial conservatives, and he's lived up to that promise in picking judges for the federal courts of appeals. In 1999, THE WEEKLY STANDARD asked Bush to identify the Supreme Court justice who was his model for what a justice should be. He said it was Antonin Scalia, a full-blown conservative. He told the same thing to Tim Russert on *Meet the Press*.

And the president has used the same formulation for years in describing the men and women he wants to nominate for the federal judiciary, a formulation he repeated as recently as last week in Denmark. "I'd pick people who, one, can do the job, people who are honest, people who are bright, and people who will strictly interpret the Constitution and not use the bench to legislate from," he said. "That's what I campaigned on and that's what I want to do."

There's little ambiguity in this. Bush has promised to pick judges, including to the Supreme Court, who understand the role of judicial power and the limits that must be placed on it. There's a name for such people—conservatives. To pick someone for the Supreme Court who doesn't fit this description would amount to betrayal by the president of his most reliable supporters, the very people who have believed in him the most.

We don't expect the president to break his promise—quite the contrary. True, Bush exacerbated the controversy over the possible nomination of Attorney General Alberto Gonzales, a close Bush friend. He jumped on conservatives who, without attacking Gonzales harshly, recommended that he not be the president's first Supreme Court pick. At the same time, a senior Bush adviser was urging journalists to read *Federalist* No. 76, in which Alexander Hamilton advised presidents against naming cronies to high positions. Hamilton's view didn't prevail when Bush made Gonzales attorney general, but we suspect it will on the court vacancy. It certainly should.

—Fred Barnes, for the Editors



DEMOCRATS PREPARE TO WELCOME A SUPREME COURT NOMINEE....

Michael Ramirez

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Yes, London Can Take It

Pluck vs. defeatism after the bombs.

BY CHRISTOPHER HITCHENS

London

IF ONE MUST HAVE CLICHÉ and stereotype (and evidently one must) then I would nominate the sturdy phlegmatic Londoner as the stock character who deserves to survive for at least another generation. Woken in the dark on the early morning of 7 July, and given the news that I and all British people had been expecting for some time, I made haste to turn on the television and was confronted at once by a man in his 30s with a shirt-front coated in blood. He was bleeding from his scalp, but was quite evenly telling his excited interviewer that "the gentleman next to me"—who was slightly off-screen—might be a superior witness since he had seen more of the actual flash and bang.

Further *vox populi* encounters disclosed an identical, almost camera-ready, ability to emulate the stoic forebears. I was cynically thinking, yes, that's all very well, but I can imagine panic and nightmare in the "tube" underneath King's Cross station, when I received an email from a teacher at King's College who had been caught up in the most hideous of the underground train bombs. He recounted the almost pedantic willingness of citizens to make way and say "after you" as the doors finally opened and as emergency staff made an appearance on the platforms. As anyone who regularly uses Edgware Road station, or anyone who goes to soccer matches, can attest, Londoners don't normally behave this politely, so again I assume that there is a subliminal script that so to speak "kicks in" when things get nasty.

Much of this elusive script is based on Noel Coward's sentimental ditty "London Pride," which was dusted off and given a fair old revival in the press on the following morning. Nobody who has read any serious account of life under the Nazi blitz can believe a word of it. Between 1940 and 1945, Londoners ran away, panicked, sent their children off to the country with labels around their necks, trampled each other in the rush to make tube stations into air-raid shelters (which the government at first refused to allow) and blamed Jews for jumping queues and hoarding goods. The rich moved complainingly into well-fortified hotels, and the police and firemen helped themselves to the contents of bombed or abandoned homes. Toward the end of the war, as guided missiles began to rain down from Germany, morale became very bad indeed. Read, if you like, Stephen Spender's account of being a fireman, or any selection of George Orwell's wartime "London Letters" to *Partisan Review*.

It is a huge and resilient city, and if there were ten thousand jihadists operating full time within its precincts, they could scarcely make a dent before they were utterly defeated.

For all that, both men did develop an admiration for the essential toughness and humor of the Londoner. And at least it could be said that one note was almost never struck in those days. There were no serious demands for capitulation. But last Thursday the blood wasn't dry on the wall of the British Medical Association in Bloomsbury, with the lower stairway covered in body parts, before the call for surrender was being raised.

First out of the trap was George Galloway, the renegade Member of Parliament who has been Saddam Hussein's chief propagandist in Britain. Within hours of the atrocities, he had diagnosed their cause, or causes. These included the presence of British troops in Afghanistan and Iraq, the photographs from Abu Ghraib, and the state of affairs at Guantanamo. This can only mean that Galloway knows what was in the minds of the bombers, and knows that it was these subjects (and not, say, the Wahhabi hatred of unveiled women, or their fury at the liberation of East Timor) that had actually motivated the attacks. If he really knows that much about the killers, he should be asked to make a full disclosure of his sources to Scotland Yard. If he doesn't know, he should at least have waited until the blood was dry before opening his ugly mouth. Scant chance of the latter.

Galloway is an open supporter of the other side in this war, and at least doesn't try very hard to conceal the fact. Far more depressing are the insincere and inauthentic statements made by more "mainstream" types. The mayor of London, Ken Livingstone—another Blair-hater and another flirter with any local Imam who can bring him a few quick votes—managed to say that the murders were directed at "the working class," not the "powerful." That's true enough, but it doesn't avoid the implication that a jihadist bomb in, say, the Stock Exchange would have been less reprehensible. Another dismal statement, issued by the Muslim Council of

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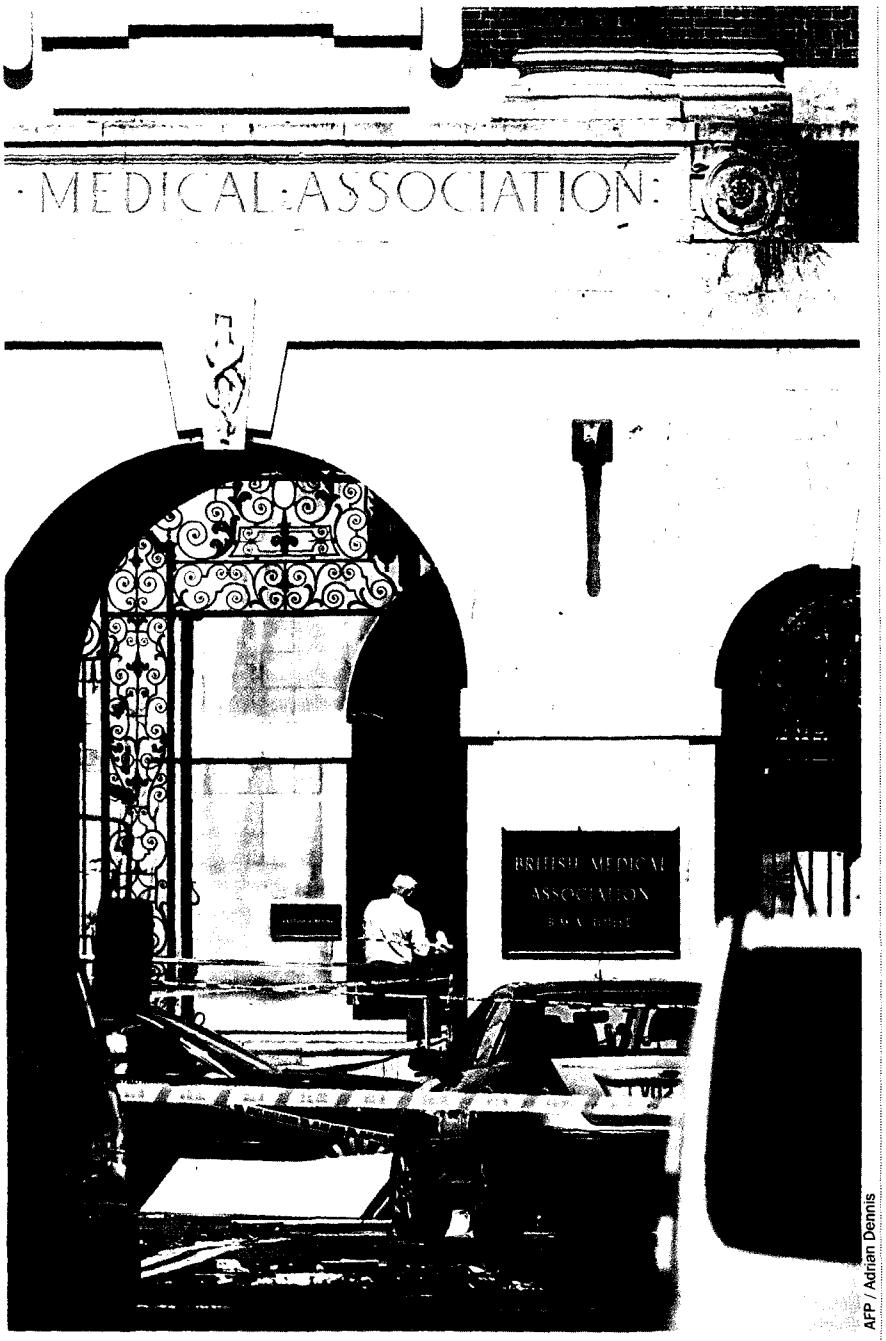

AFP / Adrian Dennis

The blood-spattered headquarters of the British Medical Association, July 7

Britain in concert with something called "Churches Together in Britain and Ireland," got as far as proclaiming that "no good purpose can be achieved by such an indiscriminate and cruel use of terror." This is to say too much and too little. It still hints that the purpose might be ill-served by the means. Further, it fails as an ecumenical statement in that it was evidently not submitted to Britain's large Jewish community for ratification. Why do I think that there were some in both the Muslim and Christian leaderships who thought that, in their proud "inclusiveness," they didn't need to go quite that far?

On the other hand, I must say that the leadership of "Imaan," a "social support group for Lesbian, Gay, Bisexual and Transgender Muslims," managed to issue a condemnation that was not shaded or angled in any way, and consisted of a simple, unequivocal denunciation and a statement of solidarity with the victims. That's the stuff. At last, the Churchill touch!

"London can take it!" That's what the patriotic proles are supposed to have yelled from the bomb-sites when Churchill toured the battered East End. London can indeed take it. It is a huge and resilient city, and if there were ten thousand jihadist guerrillas operating full time within its precincts, they could scarcely make a dent before they were utterly defeated. Once I had guiltily assured myself of the safety of my own daughter, I allowed myself to think that the long-awaited attack had not been as bad as many of us had expected. It was planned to be worse, and the next assault may be worse still. The tube stations selected for the mayhem show beyond doubt that the perpetrators must have expected to kill quite a number of Muslims, just as their co-thinkers have been doing in Kabul and Baghdad.

But another reflection now deposes the preceding one. In 2001 there was an enemy to hit back at, and some business to conclude with the Taliban. Since then, there has been unfinished business with Saddam Hussein and his notorious *fedayeen*. But from now on, we must increasingly confront the fact that the war within Islam is also a war within Europe. It's highly probable that the assassins of 7 July are British born, as were several Taliban fighters in the first round in Afghanistan. And the mirror image also exists. Many Muslims take the side of civilization and many European fascists and Communists are sympathetic to jihad.

These are not the bright, clear lines that many people fondly imagine to be heritable from a heroic past. But the nature of the enemy is somewhat similar. Like the fascists that they are, the murderers boast that they love death more than we love life. They imagine that this yell of unreason is intimidating and impressive. We shall undoubtedly go forward and put these grave matters to the proof but, meanwhile: Death to them and Long Live London! ♦

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London to Terrorists . . .

Drop dead.

BY GERARD BAKER

IN SCALE, IT WAS NEITHER a 9/11 nor even a 3/11. Though grisly, brutal, and indiscriminate, the terror attack on London produced many fewer casualties than the assaults on New York four years ago or Madrid last year. On the gruesome slide rule of death Osama bin Laden and his cronies lovingly finger, London looks like a relative failure—fewer fatalities than in Bali in 2002, and well below the almost weekly outrages the terrorists visit on the people of Iraq.

The scale of the atrocity was not the only factor blunting its immediate effect. This must have been one of the most anticipated shocks in recent history. Since 9/11, and more urgently the invasion of Iraq two years ago, Londoners had been repeatedly reminded that they would almost certainly become the targets of an attack.

But if the measure is different, the meaning is the same. For Britain the bombings of 7/7 pose exactly the same test as 9/11 did for the United States and as 3/11 did for Spain. America, of course, passed that test. The response of the Bush administration began the long fight back against baleful Islamism. The Spanish, tragically and consequentially, failed the test. Indeed, Madrid still ranks as the largest defeat in the war on terrorism since the original attack on the World Trade Center.

The bargain struck between fanatics and civilized people in Spain was quick, brutal, and terrible. Terrorists murdered 191 in Madrid, and instructed the Spanish people to get out of Iraq now if they wanted to be spared worse punishment. Within 48 hours, the Spanish had fully complied, electing a Socialist government committed to appeasement. Within a week, the new government had completed the payoff by starting to pull Spanish forces out of Iraq.

London, we all said at the time, would be different. When the inevitable happened to innocent Londoners, it would surely steel public opinion; even those skeptical about the Iraq war would surely not be cowed into submission like the Spanish. No one put this more eloquently last week than Donald Rumsfeld, in a powerful encomium to the British hours after the attacks:

"If terrorists thought they could intimidate the people of a great nation during today's attacks in London, they picked the wrong people and the wrong nation. History is filled with examples of tyrants, fascists, and terrorists intent on carrying out violence against the British people only to founder."

Some, however, did not share the confidence expressed in Rumsfeld's remarks. They wondered whether the British really are up to the challenge. The anaesthetized Britain of today is not Winston Churchill's Britain. Demoralized after a generation of indoctrination by the appeaseniks and moral-equivalence crowd who dominate the media and the universities, de-motivated by years of swiftly rising affluence, deracinated by the steady encroachment of European institutional jurisdiction, Britons might now lack the stomach to fight, and blame instead Tony Blair and George Bush for the evil that has befallen them.

So who's right? The immediate reaction to the atrocity last week has provided ammunition to both sides.

Much has been made of the straight-backed British stoicism on display last week. It may be a cliché, but it is one rooted in truth. Though the casualty count was mercifully low by recent terrorist standards, it was still the worst attack on London since World War II. Yet life for most Brits went on, the ordinariness of everyday activity betraying an air of quiet defiance. In pubs across London on Thursday nights, TV sets were as likely tuned into the cricket match (England beat Australia) as to the news of the terror. On Friday, despite warnings to stay home for fear of a commuting nightmare, large numbers of Londoners duly trudged into work, umbrellas doubtless tucked under arms.

There are also signs that the fight for the British people's loyalties is underway, with momentous consequences for the United States and its other allies. Appeasement was quickly out of the blocks from predictable sources. From the pages of the *Guardian* and some of the tabloids, from the left-wing benches in the House of Commons, the Spirit of Madrid was mobilizing. But there were encouraging signs, too. Shrewder readers of the British mindset were not willing to take a chance on a supine response, and the tendency to indulge in self-blame was decidedly limited. Ken Livingstone, the left-wing mayor of London, an apologist for terrorism in the past, spoke for decent people everywhere when he denounced the attacks and made no attempt to ape his fellow lefties in blaming the United States and British governments for them.

It was striking that even the BBC dropped its prissy use of politically correct language and broke new ground by calling the terrorists "terrorists."

It is too early to conclude that the

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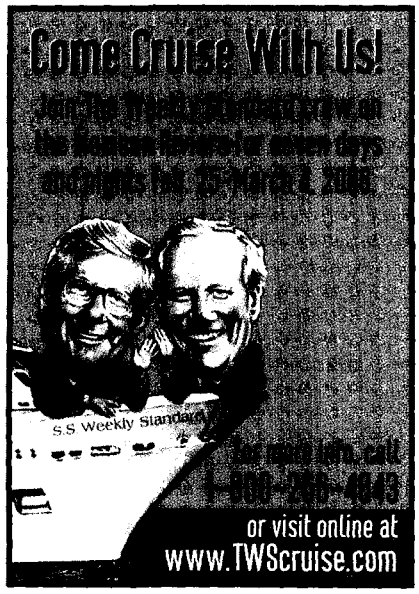
London attacks will lead to increased support for the war in Iraq and the broader war on terror. But the emerging reality of the British response is that, whatever they think about Iraq (most still think the war a mistake, according to polls), they understand clearly what is at stake. They understand that the perpetrators of this horror have, by dint of their very actions, proved that they have no cause that should be appeased. That giving in to the kind of blackmail that makes its case by taking lives and limbs is a sure route to national self-destruction.

As the *London News Review*, not known for showing much support for President Bush or Tony Blair, put it, with a Londoner's characteristic taste for the Anglo-Saxon, in a "Letter to the Terrorists":

"If this is a message to Tony Blair, we've got news for you. We don't much like our government ourselves, or what they do in our name. But, listen very clearly. We'll deal with that ourselves. We're London, and we've got our own way of doing things, and it doesn't involve tossing bombs around where innocent people are going about their lives. And that's because we're better than you. Everyone is better than you. . . . So you can pack up your bombs, put them in your a—holes, and get the f— out of our city." ♦



The Bush Supreme Court

The president will be judged by the justices he picks. BY JEFFREY BELL & FRANK CANNON

As President Bush examines his Supreme Court options, he almost certainly understands that a year from now, his performance will be evaluated mainly on whether he confirmed the unelected Court's centrality in American politics, or took a historic first step in beginning to curb that centrality.

A year from now, he will have had two openings to fill—the seats of Justice Sandra Day O'Connor and of Chief Justice William Rehnquist, who is unlikely to attempt to preside over another full term. At the moment no one else on the Court seems inclined to retire, and Bush may never see a third opening. Since the first term of Richard Nixon, no president has had to fill more than two vacancies in a single four-year term.

The situation Bush faces now is similar to what Bill Clinton faced in 1993-94. One conservative and one liberal retired then, one conservative and one liberal are retiring now. Clinton used his picks to push the Court one click to the left. Picking liberals Ruth Bader Ginsburg and Stephen Breyer to replace conservative Byron White and liberal Harry Blackmun meant a 5-4 majority to uphold *Roe v. Wade* became 6-3. It meant a 5-4 majority against gay rights became 5-4 in favor (eventually 6-3 when Justice O'Connor added icing to the cake by reversing her 1986 position in 1996). By almost any calculation, it was very good news for the liberal cause on a range of other issues, including affirmative action, capital punishment for minors, and prayer in public places.

If a year from now Bush has won confirmation for two conservatives, regardless of who the new chief justice is, the pro-*Roe* majority goes from 6-3 back to 5-4, with at least an outside chance of pro-life forces prevailing on the parental notification case to be decided in the coming term; a probable 5-3 majority for removing "under God" from the Pledge of Allegiance will become an inconclusive 4-4 (Justice Antonin Scalia has recused himself from voting on this issue); and the survival of racial preferences in universities and elsewhere would be in serious doubt.

Equally important would be the impact of such a shift on the psychology of the Court and its politics. Much of politics is momentum. The momentum of the Court toward being a pivotal political power center, rivaled only by the presidency, was resented by Dwight Eisenhower. It was actively fought in the administrations of Richard Nixon and Ronald Reagan. But both these presidential fights failed because an elective institution, in each case a Democratic-controlled Senate, inflicted devastating rebukes to the White House in 1969, 1970, and 1987. The nominees who filled the seats intended for Clement Haynsworth and G. Harrold Carswell (Nixon) and Robert Bork (Reagan) were Harry Blackmun and Anthony Kennedy. Both these men, after an interval of ambiguity, joined the liberal wing of the Court, confirming and raising the morale of the Court in its drive to power.

How did the Court become so politicized? At times in the past, the Court reached for power and found

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itself thwarted by strong presidents using their elective mandates—Jackson, Lincoln, and arguably Franklin Roosevelt in his court-packing campaign in the 1930s, which ended in a kind of stalemate, with the Court maintaining a degree of independence while tacitly ending its campaign to invalidate the New Deal.

The pivotal figure in successfully elevating the Court was a gifted, ambitious, liberal politician, three-term California Governor Earl Warren. Defeated for the 1952 Republican presidential nomination, Warren was appointed chief justice in 1953 by the man who had blocked him, Dwight Eisenhower. One of the first things Warren did was rename his office. His predecessor, Fred Vinson, and all earlier occupants were Chief Justices of the Supreme Court. Earl Warren styled himself Chief Justice of the United States.

Warren applied his considerable skills to mastering the internal politics of the Court. Even when the decisions he shaped were long overdue, as in *Brown* v. *Board of Education*, Warren and his majority disdained old-fashioned constitutional arguments (e.g., the dissenters' argument against racial segregation on 14th Amendment grounds in *Plessy* v. *Ferguson*) in favor of sociological arguments, pop science, historical trend analysis, anything that came to hand—the same kinds of arguments one could expect in a political debate in Congress or the cabinet. This greatly increased the Court's charisma as a rising political power.

In recent months, we have heard debates over who first subjected court appointments to partisan fratricide—did it start with Bork, or earlier?—and the Democrats' trump card has always been the anti-Abe Fortas filibuster of 1968, in which conservative senators, mainly Republican, led by Michigan's Robert Griffin, prevented a vote on LBJ's choice for chief justice, Abe Fortas.

What has been less often mentioned is that Warren created that crisis, by attempting to time his retirement to coincide with the tail end of the already defunct Johnson presidency. Yes, Warren was a nominal Republican, but the Court had become such a power center in his 16 years as chief justice that its role was already becoming a point of partisan difference, with Democrats favoring a powerful, politicized court and Republicans increasingly alarmed. No less than the mortally wounded Johnson anointing Hubert Humphrey as his chosen successor, Warren was anointing his close court ally Fortas as his successor in the now nearly co-equal position, Chief Justice of the United States. Normally mild-mannered Republican senators, joined by enough conservative Democrats to sustain a filibuster, unexpectedly gagged at the new level of institutional centrality Warren was tacitly demanding.

The allure of the Court as power center has long since infected most of the legal profession. Thirty years ago, Yale Law School was seen as the center of judicial activism, Harvard as more traditional. Today virtually every law school is Yale. Legal elites have shepherded most of the profession into a tacit acceptance of the higher professional status Warren-style activism implies.

That is why there can be no such thing as a "stealth strategy" for conservative appointees. Opposing Warren-style activism implies not just a deeply held judicial philosophy, but the kind of strong, stubborn character needed to go against the grain of one's entire profession and its perceived self-interest. In the real world of 2005, no such lawyer exists as a secret devotee. All the professional brilliance and Clinton connections in the world could not disguise Miguel Estrada from Sen. Charles Schumer.

If a year from now, two strong conservatives have been added to the Court, a historic momentum shift, one that eluded Nixon and Reagan, may well have begun. If not, the hegemony of an unelected professional elite will continue and deepen, perhaps not to be reversed for another generation or more. Both sides of this now decades-long struggle will be well aware of the outcome. ♦

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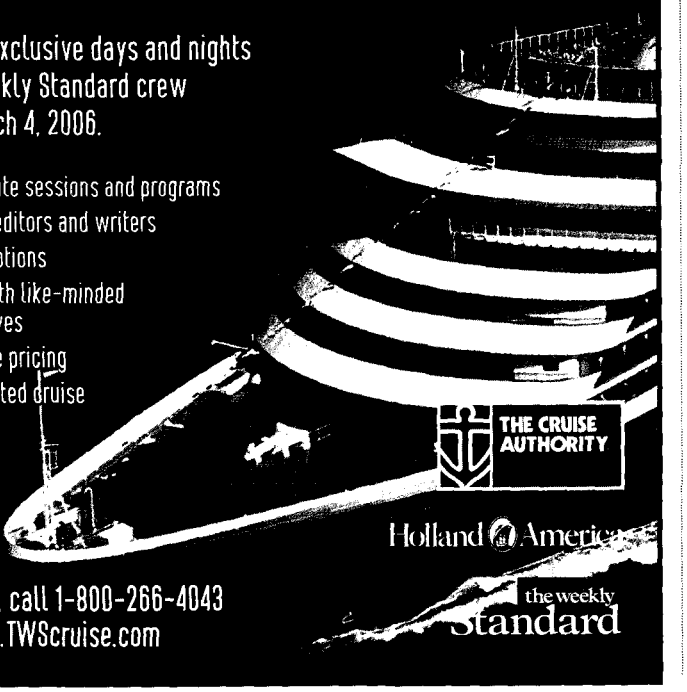

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Sending Reporters to Jail?

Don't be tempted, it's a terrible idea.

BY P. J. O'ROURKE

JUDITH MILLER of the *New York Times* has been sent to jail for refusing to reveal the anonymous source who told her (and presumably told the whole damn world via Robert Novak's syndicated column) that Valerie Plame was a covert CIA agent. Never mind that Miller's source has probably been revealed already. Matt Cooper of *Time* was threatened with the same penalty for the same reason, and *Time* editor in chief Norman Pearlstine prostrated himself before special prosecutor Patrick J. Fitzgerald like a deficit hawk Republican congressman summoned into the presence of a George W. Bush budget. And never mind that Judith Miller never wrote anything. For all we know Miller was interested in Plame because Miller was working on a "Secret Soufflés of the Spies" feature for one of those ever-proliferating *New York Times* "Home," "Style," "Food," "Home-Style Food" sections. Also never mind about the cover that Valerie Plame was using as a covert CIA agent at the time Novak's column was published. It was a masterpiece of hiding in plain sight. It would have inspired *The Purloined Letter* if Edgar Allan Poe hadn't already written it and been dead for 154 years. Plame was working a desk job at CIA headquarters. Furthermore, never mind that the secret identities of CIA covert agents are, in my experience as a foreign reporter, one and the same as the secret identities of Superman, Batman, and Robin: Everybody knows except for a few designated comic book characters. (Judge Thomas F. Hogan of the Federal District Court, who sent Miller to jail in this case, comes to mind.) And, lastly, never mind that there are lofty principles involved—statutory principles, litigational principles, constitutional principles, plus something even loftier than these, something that is above the law, namely the National Basketball Association. Thus spake the NBA: "No harm, no foul."

But put that all aside. Forget morals, ethics, and common sense. I wish to speak here directly to politicos, to all the holders of public trust—legislative, judicial, and executive—who form, construe, and discharge the policies of our great nation. Listen up, scallywags. You do not want to put journalists in jail.

Sure, you politicians get mad at us. All that "speaking truth to power" blather must grate upon the nerves. Plus we are allowed to receive free tickets to Nationals games and you aren't. But is sending us to the big house a wise revenge? Imprisoning a journalist on grounds that exude even the faintest whiff of the First Amendment is to guarantee that journalist a seven-figure book advance and a movie deal. Judith Miller will emerge from incarceration with vast financial resources. If she wants, she'll be able to make huge campaign donations. Get on the wrong side of an ex-con news scribe and you could find your next political opponent funded like Hillary-come-to-Jesus. (It is we journalists who've been busting you politicians on campaign finance violations for years. We know all the work-arounds.)

And sure, we journalists get mad at you politicians. But we're wimps. All we do is write Frank Rich-type snide op-eds. Prison might toughen us up. At press conferences will you still be giving the same lame, evasive answers when you know the press corps can turn its ballpoints into deadly shivs?

Speaking of such, as a politician you very well may go to prison. A lot of politicians seem to. Do you want journalists to have been there first? We're friendly types, able to get along well with low-lifes—after all we cover politics. We will have been spending our time in the can telling large, angry people with elaborate tattoos how you voted against prison reform initiatives, called for federally mandated minimum sentences for mopery and loitering, and sponsored legislation to require that public defenders be drawn from the bottom 10 percent of law school graduates and paid the minimum wage.

And, whether you are stuck in the hoosegow or perched upon the seat of power, never forget that we can make your life a living hell. Oh, not the way we think we can with a six-part investigative series, innuendo-filled opinion pieces, or, for that matter, anonymous sources. But we can forget about you. You can just slip our mind and never be mentioned in the media again. Then where will you be? Start composing your "Where Am I Now?" item for the *Washington Post*'s "In the Loop" column now.

Meanwhile you're probably an anonymous source yourself. Most politicians are, sooner or later. Well, next time you want to leak something, try calling Ruth Bader Ginsburg.

And before you attempt to send any more journalists to jail for failing to reveal their anonymous sources, remember what happens to anonymous sources after they quit being anonymous. Do you want to go down in history as "Deep Throat"? Or do you want to go down in history as Mark Felt? ◆

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A Court at the Crossroads

A pivotal abortion case for the post-O'Connor Court.

BY TERRY EASTLAND

ON MAY 23, the Supreme Court announced it would review the constitutionality of a New Hampshire law requiring parental notification at least 48 hours before an abortion may be performed on an "unemancipated minor" (a female under age 18). Immediately, *Ayotte* v. *Planned Parenthood* figured to be one of the coming term's more notable cases. Abortion cases usually are. But now, with Sandra Day O'Connor retiring, *Ayotte* assumes even more importance. O'Connor probably would have found the statute unconstitutional, but if President Bush chooses a jurist who shares his stated judicial philosophy, the new justice will likely vote for the law, and that vote could decide the case.

The New Hampshire legislature passed the statute in June of 2003. It was to take effect on December 31, 2003, but Planned Parenthood sued in federal court and won a judgment holding the law unconstitutional and prohibiting its enforcement. The First Circuit affirmed, whereupon the New Hampshire attorney general appealed to the Supreme Court. The justices were under no obligation to review the case—they take very few of the hundreds of petitions they annually receive—but at least four justices (the required minimum) voted to take it.

Which justices did that, and why, are unknown. What is known are the two questions the Court saw in the case, with the first being the seemingly dry one of what standard should be used to decide whether a statute is, to use the legal jargon, facially invalid. In 1987 the Court ruled (in a case not about abortion) that a plaintiff challenging a law as facially invalid must show that there is "no set of circumstances" under which it could ever be lawful. Five years later in *Planned Parenthood* v. *Casey*, however, the Court used a less demanding standard in reviewing a challenge to Pennsylvania's abortion regulations.

The Court has yet to address this tension, effectively leaving it to the courts of appeals, almost all of which have rejected the "no set of circumstances" standard. That is the standard Justice Scalia would use in the context of abortion as elsewhere, and some lawyers have speculated that Scalia pushed for taking *Ayotte* because he saw it as a case for resolving the issue, and on his terms, which would prevent abortion regulations from being, well, aborted.

The Court is one vote away from approving bans on partial-birth abortion, and two votes from jettisoning the abortion right and returning the matter to the states.

Maybe. But it could also be that some liberal justices were trying to win while they still had the votes, one of which was to be O'Connor's. Hoping O'Connor would not retire for another year, they voted (according to this scenario) to take *Ayotte* to strike down the law and reaffirm the Court's rulings on abortion. In particular, the Court would make clear that any regulation must ensure access to abortion if the pregnancy threatens the woman's health. As it happens, the second question that the Court will address is whether the New Hampshire statute indeed satisfies the requirement of a health exception.

Whatever motivated four or more justices to take *Ayotte*, New Hampshire now has a better chance of prevailing than it did when the Court took the case—provided President Bush appoints a bona fide judicial conservative. Indeed, *Ayotte* is a depressing reminder of the failure of Republican-appointed justices to recover the meaning of the Constitution with respect to the most controversial domestic issue of our time.

Eight years before O'Connor's appointment, the Court, invoking the hoary doctrine of substantive due process, announced in *Roe* v. *Wade* a constitutional right to abortion. Under *Roe*, abortion laws were subject to strict scrutiny and thus were unconstitutional unless they could be shown to serve a compelling governmental interest. It was a very high standard, almost never met in the judgments of the Burger Court.

The Reagan presidency aimed to appoint justices committed to a judicial philosophy at odds with the one that produced *Roe*. The first Bush presidency shared that same goal. By 1991 those two presidencies had delivered five new justices—O'Connor, Scalia, Anthony Kennedy, David Souter, and Clarence Thomas. And the now Rehnquist Court's record in late 1980s abortion cases suggested that *Roe*'s days were numbered.

But in *Casey*, the Court explicitly rejected the Bush administration's request that it overrule *Roe*. O'Connor, Souter, and Kennedy wrote an unusual joint opinion in which they reaffirmed the abortion right constitutionalized in *Roe*, while changing the standard of review from strict

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scrutiny to "undue burden." The undue burden test seemed to permit legislatures more room to regulate abortions, but in the 2000 case *Stenberg* v. *Carhart*, it became clear how limited that room really was. A five-justice majority that included O'Connor and Souter but not Kennedy, now disturbed by where *Casey* had led and more willing to uphold abortion regulations, used undue burden analysis to strike down a statute prohibiting the truly barbarous method of late-term abortion known as partial-birth abortion. The Court also said that the law lacked an exception to preserve a pregnant woman's health.

A decision in *Ayotte* sustaining the New Hampshire law would seem to augur well for the eventual upholding of the federal ban on partial-birth abortion that was enacted in 2003 with Bush's support. The statute has no health exception and is thus squarely at odds with *Stenberg*. Just last week the Eighth Circuit struck down the law. Decisions are pending in two other circuit courts. The Court almost certainly will review one of these rulings.

The Court is one vote away from approving bans on partial-birth abortion, and two votes from jettisoning the abortion right and returning the matter to the states, where under the Constitution it has always belonged. To be sure, the liberal interest groups opposed to Bush's judicial philosophy recognize *Ayotte*'s significance as an indicator of where the Court might be headed on *Stenberg*, and maybe even on *Casey* and *Roe*. The president's nominee—or nominees, as the case may be—can easily deflect confirmation-hearing questions about *Ayotte* on grounds that it would be improper to discuss any case scheduled to be heard in the coming months. But that will not prevent questions about the Court's abortion jurisprudence. The answers will be noted and debated, of course, but what counts will be the eventual exercise of judicial power. Soon enough, thanks to *Ayotte*, the country is going to see what kind of justice, or justices, Bush will have chosen. ♦

Plan B for Iran

Dealing with President Ahmadinejad.

BY JEFFREY GEDMIN

Gamma / Frederic Lafargue

Ahmadinejad supporters

YOU CAN BE SURE, had Hashemi Rafsanjani been voted president in Iran's recent election, a chorus of pundits would have been calling for the administration to drop its hard line and "engage" Tehran. We witnessed this last time, when "moderate" Mohammad Khatami became president in 1997. Of course, the Europeans have done their share of engaging, before and after that election, and Iran hasn't changed much.

This time, CNN dubbed Rafsanjani a "moderate conservative supported by progressives"—making him sound like an Iranian Lincoln Chafee. During Rafsanjani's last stint as president (1989-1997), the Iranians were sponsoring suicide bombings, blowing up Jewish cultural centers, chanting "death to America," and rubbing out dissidents. In one case, a German court concluded that assassins, who had carried out a hit against oppositionists in the Mykonos restaurant in Berlin, had acted at the behest of Iranian intelligence, with an "official liquidation order" having been approved by President Rafsanjani himself. We'll never find out whether Rafsanjani had become in the meantime a kinder, gentler mullah. But no one doubts that a real, honest-to-God hard-liner, Mahmoud Ahmadinejad, has now been elected as Iran's new president. This should concentrate the mind.

Ahmadinejad calls himself a fundamentalist. He was an officer of the Islamic Revolutionary Guard, taught for years at the Revolutionary Guard's staff college, and has served as special emissary for the "Supreme Guide" on a number of domestic and foreign policy missions. He supported the fatwa against author Salman Rushdie, of course, and by all accounts Ahmadinejad is a real-deal Islamist. He says he wants Iran to be a great "world power" capable of challenging the United States. So how should we respond?

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The recent conversation about Iran has been dominated by one question: How do we keep the bomb out of the hands of the mullahs? And rightfully so: Imagine what a world with a nuclear Iran would look like. At a minimum it would mean an emboldened Tehran intimidating its neighbors, increasing its support for terrorism, revving up even more hate-mongering toward Israel, and attempting to undermine democracy in Iraq—not to mention dramatically increased oil prices. Even Joschka Fischer, Germany's dovish foreign minister, calls a nuclear Iran "the worst imaginable nightmare." If there is a chance to stop this scenario, the window may be closing very quickly. To go nuclear, "all Iranian engineers need," says Henry Sokolski, president of the Nonproliferation Policy Education Center, "is a bit more time—one to four years at the most."

Of late, the administration has been fond of the diplomatic track. Specifically, Washington has supported the European effort, led by Germany, France, and Great Britain, to persuade the regime that it should give up its ambition to acquire nuclear weapons. Mind you, this is after nearly two decades of the regime's cheat and retreat games. No serious person has ever believed that the "E.U. 3" would succeed. But then the administration has had its hands full with Iraq, Social Security reform, and a few other matters, including the president's sharp dip in popularity. Trying to slow the mullahs down, some have argued, has been the best available option. That was then.

By now it must be obvious that if the United States is serious about preventing the mullahs from getting the bomb, we have two choices: either preemption or regime change. By now it is also pretty clear that bombing would be difficult, which can only make one wonder why we have been so slow in giving serious support to the democracy movement in Iran. This regime has to go.

The moral case is compelling enough. While the *New York Times* charmed its readers recently with a front-page story on Iranian women playing golf at the Revolution Sports Complex in Tehran, the country's human rights record remains, in fact, dismal. The State Department's latest *Country Reports on Human Rights Practices* states that Iran continues to maintain facilities "notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the Government." The French NGO Reporters Without Borders calls Iran the biggest prison for journalists in the entire region. Akbar Ganji, who some have begun to call the Iranian Vaclav Havel, is a journalist who has now entered his fourth week of a hunger strike inside Tehran's Evin prison. Ganji has written from prison two manifestos describing how ordinary Iranians can participate in civil disobedience against the country's ruling dictatorship. People have started to use soccer games as an occasion to show their discontent. At a game between Iran and Japan earlier this summer, a demonstration lasted all night, with paramilitary forces killing four people.

The country is ripe for revolution. Iran has a foundering economy, a large, disenchanted youth population (two thirds of the country's population is under 30), pockets of independent media (including a staggering 64,000 Persian-language blogs), and, of course, the powerful example of developments throughout the region. After Iraq's election last year, photos of Iranians holding up proudly their fingers dipped in blue ink to say, "It's time for us to vote, too!" swept the Internet like wildfire.

If the moral case to support the democracy movement in Iran is a powerful one, so too is the strategic case. When asked several months ago by the National Conference of Editorial Writers what happens if diplomacy fails to stop Iran from getting nuclear weapons—"What's Plan B?" as it was put—Secretary of State Condoleezza Rice said, "Well, that's a different question. The president has said that he believes very strongly that we can resolve this diplomatically." But there must be a Plan B, and surely Plan B must be a concerted effort to hasten the fall of this regime.

In fact, the United States has made some noises, but the efforts have been feeble to date. The Department of State has funded a Persian-language website. There are broadcasts into Iran through Voice of America. The FY 2005 Foreign Operations, Export Financing and Related Programs Appropriations Act doubled to $3 million the funds available to the State Department's human rights bureau to support democracy in Iran. This is all helpful, but small potatoes considering the stakes.

Of course, realist critics will argue that even a democratic Iran will want the bomb. Maybe. But a decent, accountable government in Tehran will be easier to dissuade, far less likely to lie and cheat, and far more probable to behave responsibly if it ever gets a nuclear weapon. Others will argue that we risk a new row with the Europeans, bent on negotiating with the old regime, if we start pushing seriously for a democratic revolution in Iran. But that is old thinking about Old Europe. With the collapse of the constitutional process and the impending political demise of Jacques Chirac and Gerhard Schröder, there is a new transatlantic moment the United States should be exploiting. Anyway, all we are asking the E.U. to do is support democracy and human rights in Iran through the serious application of civilian means and soft power. At home, the administration will find numerous allies on the Hill for such a policy, on both sides of the aisle. People like Sen. Sam Brownback and Rep. Tom Lantos have been agitating for more democratic support for the Iranians.

The secretary of state says Iran is an "outpost of tyranny." George W. Bush says the "Iranian people deserve a genuinely democratic system." There's a strong logic now to marry resources to rhetoric. ♦

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The Mother of All Connections

A special report on the new evidence of collaboration between Saddam Hussein's Iraq and al Qaeda

BY STEPHEN F. HAYES & THOMAS JOSCELYN

"In August 1998, the detainee traveled to Pakistan with a member of Iraqi Intelligence for the purpose of blowing up the Pakistan, United States and British embassies with chemical mortars."

U.S. government "Summary of Evidence" for an Iraqi member of al Qaeda detained at Guantanamo Bay, Cuba

For many, the debate over the former Iraqi regime's ties to Osama bin Laden's al Qaeda network ended a year ago with the release of the 9/11 Commission report. Media outlets seized on a carefully worded summary that the commission had found no evidence "indicating that Iraq cooperated with al Qaeda in developing or carrying out any attacks against the United States" and ran blaring headlines like the one on the June 17, 2004, front page of the *New York Times*: "Panel Finds No Qaeda-Iraq Tie."

But this was woefully imprecise. It assumed, not unreasonably, that the 9/11 Commission's conclusion was based on a firm foundation of intelligence reporting, that the intelligence community had the type of human intelligence and other reporting that would allow senior-level analysts to draw reasonable conclusions. We know now that was not the case.

John Lehman, a 9/11 commissioner, spoke to THE WEEKLY STANDARD at the time the report was released. "There may well be—and probably will be—additional intelligence coming in from interrogations and from analysis of captured records and so forth which will fill out the intelligence picture. This is not phrased as—nor meant to be—the definitive word on Iraqi Intelligence activities."

Lehman's caution was prescient. A year later, we still cannot begin to offer a "definitive" picture of the relationships entered into by Saddam Hussein's operatives, but much more has already been learned from documents uncovered after the Iraq war. The evidence we present below, compiled from revelations in recent months, suggests an acute case of denial on the part of those who dismiss the Iraq-al Qaeda relationship.

There could hardly be a clearer case—of the ongoing revelations and the ongoing denial—than in the 13 points below, reproduced verbatim from a "Summary of Evidence" prepared by the U.S. government in November 2004. This unclassified document was released by the Pentagon in late March 2005. It details the case for designating an Iraqi member of al Qaeda, currently detained in Guantanamo Bay, Cuba, as an "enemy combatant."

1. From 1987 to 1989, the detainee served as an infantryman in the Iraqi Army and received training on the mortar and rocket propelled grenades.
2. A Taliban recruiter in Baghdad convinced the detainee to travel to Afghanistan to join the Taliban in 1994.
3. The detainee admitted he was a member of the Taliban.
4. The detainee pledged allegiance to the supreme leader of the Taliban to help them take over all of Afghanistan.
5. The Taliban issued the detainee a Kalishnikov rifle in November 2000.
6. The detainee worked in a Taliban ammo and arms storage arsenal in Mazar-Es-Sharif organizing weapons and ammunition.
7. The detainee willingly associated with al Qaida members.
8. The detainee was a member of al Qaida.
9. An assistant to Usama Bin Ladin paid the detainee on

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three separate occasions between 1995 and 1997.
10. The detainee stayed at the al Farouq camp in Darwanta, Afghanistan, where he received 1,000 Rupees to continue his travels.
11. From 1997 to 1998, the detainee acted as a trusted agent for Usama Bin Ladin, executing three separate reconnaissance missions for the al Qaeda leader in Oman, Iraq, and Afghanistan.
12. In August 1998, the detainee traveled to Pakistan with a member of Iraqi Intelligence for the purpose of blowing up the Pakistan, United States and British embassies with chemical mortars.
13. Detainee was arrested by Pakistani authorities in Khudzar, Pakistan, in July 2002.

Interesting. What's more interesting: The alleged plot was to have taken place in August 1998, the same month that al Qaeda attacked two U.S. embassies in East Africa. And more interesting still: It was to have taken place in the same month that the Clinton administration publicly accused Iraq of supplying al Qaeda with chemical weapons expertise and material.

But none of this was interesting enough for any of the major television networks to cover it. Nor was it deemed sufficiently newsworthy to merit a mention in either the *Washington Post* or the *New York Times*.

The Associated Press, on the other hand, probably felt obliged to run a story, since the "Summary of Evidence" was released in response to a Freedom of Information Act request filed by the AP itself. But after briefly describing the documents, the AP article downplayed its own scoop with a sentence almost as amusing as it is inane: "There is no indication the Iraqi's alleged terror-related activities were on behalf of Saddam Hussein's government, other than the brief mention of him traveling to Pakistan with a member of Iraqi intelligence." That sentence minimizing the importance of the findings was enough, apparently, to convince most newspaper editors around the country not to run the AP story.

It's possible, of course, that the evidence presented by military prosecutors is exaggerated, maybe even wrong. The evidence required to designate a detainee an "enemy combatant" is lower than the "reasonable doubt" standard of U.S. criminal prosecutions. So there is much we don't know.

Indeed, more than two years after the Iraqi regime of Saddam Hussein was ousted, there is much we do not know about the relationship between Iraq and al Qaeda. We do know, however, that there was one. We know about this relationship not from Bush administration assertions but from internal Iraqi Intelligence Service (IIS) documents recovered in Iraq after the war—documents that have been authenticated by a U.S. intelligence community long hostile to the very idea that any such relationship exists.

We know from these IIS documents that beginning in 1992 the former Iraqi regime regarded bin Laden as an Iraqi Intelligence asset. We know from IIS documents that the former Iraqi regime provided safe haven and financial support to an Iraqi who has admitted to mixing the chemicals for the 1993 attack on the World Trade Center. We know from IIS documents that Saddam Hussein agreed to Osama bin Laden's request to broadcast anti-Saudi propaganda on Iraqi state-run television. We know from IIS documents that a "trusted confidante" of bin Laden stayed for more than two weeks at a posh Baghdad hotel as the guest of the Iraqi Intelligence Service.

We have been told by Hudayfa Azzam, the son of bin Laden's longtime mentor Abdullah Azzam, that Saddam Hussein welcomed young al Qaeda members "with open arms" before the war, that they "entered Iraq in large numbers, setting up an organization to confront the occupation," and that the regime "strictly and directly" controlled their activities. We have been told by Jordan's King Abdullah that his government knew Abu Musab al Zarqawi was in Iraq before the war and requested that the former Iraqi regime deport him. We have been told by *Time* magazine that confidential documents from Zarqawi's group, recovered in recent raids, indicate other jihadists had joined him in Baghdad before the Hussein regime fell. We have been told by one of those jihadists that he was with Zarqawi in Baghdad before the war. We have been told by Ayad Allawi, former Iraqi prime minister and a longtime CIA source, that other Iraqi Intelligence documents indicate bin Laden's top deputy was in Iraq for a jihadist conference in September 1999.

All of this is new—information obtained since the fall of the Hussein regime. And yet critics of the Iraq war and many in the media refuse to see it. Just two weeks ago, President Bush gave a prime-time speech on Iraq. Among his key points: Iraq is a central front in the global war on terror that began on September 11. Bush spoke in very general terms. He did not mention any of this new information on Iraqi support for terrorism to make his case. That didn't matter to many journalists and critics of the war.

CNN anchor Carol Costello claimed "there is no evidence that Saddam Hussein was connected in any way to al Qaeda." The charitable explanation is ignorance. Jay Rockefeller, the West Virginia Democrat who serves as vice chairman of the Senate Intelligence Committee, knows better. Before the war he pointed to Zarqawi's presence in Iraq as a "substantial connection between Iraq and al Qaeda." And yet he, too, now insists that Saddam Hussein's regime "had nothing to do with Osama bin Laden, it had nothing to do with al Qaeda."

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Such comments reveal far more about politics in America than they do about the Iraq-al Qaeda relationship.

* * *

"Despite four decades of intelligence reporting on Iraq, there was little useful intelligence collected that helped analysts determine the Iraqi regime's possible links to al Qaeda."

Senate Intelligence Committee report, July 7, 2004

Until shortly before the Iraq war, the consensus view within the U.S. intelligence community was simple: Saddam Hussein and Osama bin Laden were natural enemies who, despite their common interests, would not work together. Daniel Benjamin, a senior counterterrorism official in the Clinton administration, summarized this view in a *New York Times* op-ed on September 30, 2002. He wrote: "Saddam Hussein has long recognized that al Qaeda and like-minded Islamists represent a threat to his regime. Consequently, he has shown no interest in working with them against their common enemy, the United States. This was the understanding of American intelligence in the 1990s."

Benjamin later elaborated in an interview with *Mother Jones*. "In 1998, we went through every piece of intelligence we could find to see if there was a link [between] al Qaeda and Iraq. We came to the conclusion that our intelligence agencies had it right: There was no noteworthy relationship between al Qaeda and Iraq. I know that for a fact."

Judith Yaphe, a longtime CIA analyst on the Middle East and Iraq, was only slightly less categorical in testimony before the House Armed Service Committee on April 21, 2004. "I know that there's a small number of people who say that Saddam was working cooperatively with al Qaeda and Osama bin Laden. I do not believe that. I know the intelligence is not there."

Yaphe was right about one thing: The intelligence was not there. The CIA's collection against the Iraqi target was abysmal. According to former CIA director George Tenet, the U.S. intelligence community never penetrated the senior ranks of the former Iraqi regime. Bob Woodward of the *Washington Post* explored this subject in his book on the Iraq war, *Plan of Attack*. Woodward interviewed "Saul," the chief of the Iraqi Operations Group, at the CIA.

> Saul was discovering that the CIA reporting sources inside Iraq were pretty thin. What was thin? "I can count them on one hand," Saul said, pausing for effect, "and I can still pick my nose." There were four. And those sources were in Iraqi ministries such as foreign affairs and oil that were on the periphery of any penetration of Saddam's inner circle.

Woodward reports that the Iraqi Operations Group was known inside the CIA's Near East Division as "The House of Broken Toys." "It was largely populated with new, green [Directorate of Operations] officers and problem officers, or old boys waiting for retirement. . . . Past operations read almost like a handbook for failed and stupid covert action. It was a catalogue of doomed work—too little, too late, too seat-of-the-pants, too little planning, too little realism. The comic mixed with the frightening."

The Senate Select Intelligence Committee did not find it so amusing. The committee's bipartisan report was released last summer. Most of the attention at the time focused on the report's assessment of flaws in intelligence on Iraq's weapons of mass destruction programs. The lengthy section on "Iraq's Links to Terrorism" received considerably less attention. What emerges in the 66 pages of the report is a picture of an intelligence community with a woefully inadequate collection capability on the Iraqi target. In some ways more disturbing, though, was the lack of interest. In a stunning moment of candor, an "IC analyst" provided this characterization of the collection effort on Iraq: "I don't think we were really focused on the CT [counterterrorism] side, because we weren't concerned about the IIS [Iraqi Intelligence Service] going out and proactively conducting terrorist attacks. It wasn't until we realized that there was the possibility of going to war that we had to get a handle on that."

So on the one hand we know that there was virtually no human intelligence on Iraq and terrorism. Yet the intelligence community, if this analyst is to be believed, was so confident in its assessment that Iraqi Intelligence was not in the terrorism business that collecting on that target was tantamount to cramming for a test.

The Senate report's conclusions were devastating:

> Despite four decades of intelligence reporting on Iraq, there was little useful intelligence collected that helped analysts determine the Iraqi regime's possible links to al Qaeda. . . . The Central Intelligence Agency (CIA) did not have a focused human intelligence (HUMINT) collection strategy targeting Iraq's links to terrorism until 2002. The CIA had no [redacted] sources on the ground in Iraq reporting specifically on terrorism.

It was not just reporting on Iraq that was inadequate. "The CIA had no [redacted] credible reporting on the leadership of either the Iraqi regime or al Qaeda, which would have enabled it to better define a cooperative relationship, if any did in fact exist."

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This left policymakers in a bind. There was reporting on the relationship between Iraq and al Qaeda, but much of it was secondhand. This reporting was supplemented by widespread coverage of the Iraq-al Qaeda connection in "open sources," including the amnesiac American press. And contrary to the assessments coming from many analysts in the intelligence community, much of this reporting seemed to indicate a significant relationship.

The difference between most intelligence community analysts and Bush administration policymakers can be found in how they interpret the gaps. The analysts seemed to assume, despite the history of poor collection, that the many Iraq-al Qaeda contacts reported in intelligence products and open sources were anomalous. To them, the gaps in reporting simply reflected a lack of activity. Policymakers (and a small number of analysts) took a different view. The gaps in reporting on Iraq and al Qaeda were just that: gaps in reporting. To this group, the many reports of contacts, training, and offers of safe haven were indicative of a relationship that ran much deeper.

After September 11, the mere existence of a long relationship between Iraq and al Qaeda had to be considered an urgent threat.

* * *

"Attack them our beloved people. You are the glory of our nation. Attack them. . . . The Mother of all Battles is not the past."

Saddam Hussein, January 17, 1993

The U.S. intelligence community was apparently not much concerned by Iraqi support for terrorism in the 13 years between the Gulf war and the Iraq war. To students of Iraq-U.S. relations that might seem bizarre. Saddam Hussein had used such asymmetric warfare for decades, against enemies foreign and domestic, real and imagined. What's more, he had demonstrated his willingness to use terrorism and terrorist surrogates against his enemies when confronted by superior conventional military forces during the Gulf war. By some accounts, more than 1,400 terrorists made their way to Baghdad in the final months of 1990 as he prepared to face the coalition assembled by the United States to oust him from Kuwait. He dispatched others to attack U.S. interests around the world. On January 18, 1991, one day after the Gulf war began, an Iraqi terrorist posing as a day laborer managed to plant 26 sticks of TNT in a flower box below a window of the U.S. ambassador's residence in Jakarta, Indonesia. The dynamite wasn't completely buried, and a gardener found it before the bomb exploded. The following day in the Philippines, two Iraqis blew themselves up in a plot known to CIA veterans as Operation Dogmeat, a botched attempt to bomb the U.S. Information Service headquarters at the Thomas Jefferson Cultural Center in Manila. The failed attack on the U.S. government-run center received the active support of the Iraqi ambassador to the Philippines.

Saddam Hussein openly encouraged these attacks. "It remains for us to tell all Arabs, all militant believers . . . wherever they may be that it is your duty to embark on holy war. You should target their interests wherever they may be," he said on January 20, 1991.

Iraq's use of terrorism was so widespread, in fact, that it became an issue in the 1992 presidential campaign, when Al Gore accused the first Bush administration of a "blatant disregard for brutal terrorism" practiced by Hussein and ignoring Iraq's "extensive terrorism activities."

Many Islamic radicals voiced opposition to Saddam Hussein after he invaded Kuwait. Sudan's Hasan al-Turabi was not one of them. Turabi's willingness to back Hussein gave the Iraqi dictator the Islamist street credibility he would exploit for years to come. In the debate over the former Iraqi regime's relationship with al Qaeda, it is often said that Saddam's secular Baathist regime could never work with Osama bin Laden's radical Islamist organization. It is a curious argument since Turabi, one of Saddam's staunchest allies, also happened to be one of the most influential Islamists of the past two decades. One of the principal architects of Sudan's Islamist revolution in 1989, Turabi was also the longtime mentor, friend, and host of Osama bin Laden during his stay in Sudan from 1992 until 1996.

Immediately after Iraq's invasion of Kuwait, bin Laden approached the Saudi regime and offered to lead Muslim forces in driving Saddam out of Kuwait. Many who downplay the relationship between the former Iraqi regime and al Qaeda point to this as an example of the hostility between Hussein and bin Laden. But Osama's spurned offer is only part of the story. While bin Laden's first instinct may have been to oppose the secular tyrant, his soon-to-be host in Sudan did not share these sentiments. According to an interview at the time with Turabi's cousin, Mudawi Turabi, the Sudanese leader met twice with Saddam Hussein before the Gulf war and "had appeared to be designing his own Islamic empire even then."

In October 1990, Turabi led a delegation of Islamists to Jordan to meet with Iraqi government officials. Bin Laden sent emissaries to this meeting as well. While it is not clear what bin Laden's emissaries or bin Laden himself thought of the meeting, it is clear that Turabi threw his full support behind Saddam. In a press conference after the meeting, Turabi warned "there is going to be all forms of jihad all

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over the world because it is an issue of foreign troops on sacred soil."

Turabi continued in his self-designated role as pan-Islamic leader by convening terrorist confabs in Khartoum known euphemistically as the Popular Arab Islamic Conference. Encouraged by Turabi, Saddam began hosting his own Popular Islamic Conference in Baghdad. The conferences shared a central purpose: to bring together Islamic and secular radicals from around the world to oppose U.S. involvement in the Gulf war and the continued presence of American troops on Saudi soil.

The Baghdad conferences, which were held annually until the regime fell, were filled with the rhetoric of jihad. A statement issued at the closing ceremony of the 1992 conference was a call to arms. The 500 Islamists in attendance affirmed "that maintaining and defending the unity of Iraq's land, people and sovereignty is an Islamic duty that must be performed because Iraq is the fortress of Islamic jihad targeted by the atheist forces." The statement called on Islamic groups "to meet and discuss the establishment [of] a free world front to confront the U.S. hegemony and its new world order."

Newsweek reporter Christopher Dickey attended a Popular Islamic Conference at Baghdad's al Rashid Hotel and later recalled: "If that was not a fledgling al Qaeda at the Rashid convention, it sure was Saddam's version of it."

We do not yet know how many future al Qaeda leaders attended the conferences. (We do know that the conferences were carried on Iraqi state-run television and that the attendees signed the closing statements. A comparison of those lists with known al Qaeda terrorists would be an interesting and potentially productive undertaking, as would a careful review of any photographic evidence from the session.) By this time, however, it appears that Hussein had already forged relationships with the two men who would later lead al Qaeda.

An internal Iraqi Intelligence memo dated March 28, 1992, lists individuals Hussein's regime considered assets of the Iraqi Intelligence Service. Osama bin Laden is listed on page 14. The Iraqis describe him as a Saudi businessman who "is in good relationship with our section in Syria."

At the same time, the Iraqis were cultivating a relationship with Ayman al Zawahiri, the leader of Egyptian Islamic Jihad and the current top deputy to bin Laden. According to Qassem Hussein Mohammed, a 20-year veteran of Iraqi Intelligence, Zawahiri visited Baghdad in 1992 for a meeting with Hussein. In a 2002 interview with the *New Yorker*'s Jeffrey Goldberg from a Kurdish prison in northeastern Iraq, the IIS veteran described his duties as a bodyguard for Zawahiri during his visit. This was not Zawahiri's only meeting with top Iraqi officials. According to a May 2003 debriefing of a senior Iraqi Intelligence official, Zawahiri met with Iraqi Intelligence officials in Sudan several times from 1992 to 1995. A foreign intelligence service has corroborated that report, adding that at one of those meetings Zawahiri received blank Yemeni passports from an Iraqi Intelligence official.

In 1993, at Turabi's urging, bin Laden came to an "understanding" with Saddam Hussein that the al Qaeda leader and his followers would not engage in any anti-Hussein activities. The Clinton administration later included this development in its sealed indictment of bin Laden in 1998. According to the indictment: "Al Qaeda reached an understanding with the government of Iraq that al Qaeda would not work against that government and that on particular projects, specifically including weapons development, al Qaeda would work cooperatively with the Government of Iraq."

* * *

"Abdul Rahman Yasin, a fugitive of the [1993 World Trade Center] attack, is of Iraqi descent, and in 1993, he fled to Iraq with Iraqi assistance."

Senate Intelligence Committee report

On February 26, 1993, a powerful bomb exploded in the garage of the World Trade Center in New York City. The attack killed six and injured more than 1,000. It could have been much worse. The bombers hoped to topple one tower into the other. The men responsible for the attack aimed to kill tens of thousands of Americans.

One of those men was Abdul Rahman Yasin, an Iraqi who had come to the United States six months before the attack. In the days after the attack, Yasin was detained twice by the FBI. Although he admitted his role in the bombing and offered investigators details of the plot, he was inexplicably released. Twice. The second time the FBI even drove him home. According to the bipartisan Senate Select Committee on Intelligence report, Yasin promptly "fled to Iraq with Iraqi assistance." His travel was arranged by the second secretary of the Iraqi embassy in Amman, Jordan. In 1994, a reporter for ABC News went to the home of Yasin's father in Baghdad and spoke with neighbors who reported that Yasin was free to come and go as he pleased and was "working for the government."

Shortly after the 9/11 attacks, the Iraqi regime denied any relationship with Yasin and any knowledge of his whereabouts. In an interview with PBS's *Frontline* that

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aired on October 29, 2001, Iraq's U.N. ambassador denied that Yasin was even in Iraq. "To my knowledge he is not, and there is not any relation with him." Pressed, the Iraqi diplomat went further. "Absolutely. I know that there is no relation with that guy. . . . We have no relations with these kind of guys, with all persons who are involved in terrorism."

Eight months later, on June 2, 2002, the Iraqi government abruptly changed its story. Tariq Aziz, for years the face of the Iraqi regime in the Western media, appeared on *60 Minutes* and assured Lesley Stahl that Yasin had been imprisoned since his return to Iraq. Aziz claimed that the Iraqi regime held Yasin prisoner because they worried that the United States would blame Iraq for the attack if he was returned to America to face trial. Yasin himself appeared. He admitted to mixing the chemicals for the bomb. He showed viewers a scar on his leg that he claimed to have gotten preparing chemicals for the attack. He even apologized. Stahl did not ask about the *Frontline* interview or previous media reports that Yasin was living freely in Baghdad.

We now know more about Yasin's stay in Baghdad. "We know, for example, in connection with the original World Trade Center bombing in '93 that one of the bombers was Iraqi, returned to Iraq after the attack of '93," Vice President Dick Cheney told Tim Russert in a September 14, 2003, appearance on *Meet the Press*. "And we've learned subsequent to that, since we went into Baghdad and got into the intelligence files, that this individual probably also received financing from the Iraqi government as well as safe haven. Now, is there a connection between the Iraqi government and the original World Trade Center bombing in '93? We know, as I say, that one of the perpetrators of that act did, in fact, receive support from the Iraqi government after the fact."

Those documents are now in possession of the FBI. Despite requests for declassification of the documents from both Cheney's office and the Pentagon, the FBI refuses to release them. In March, THE WEEKLY STANDARD requested an interview with FBI officials to discuss the Iraqi intelligence documents and the status of the Yasin case. The request was denied last week. An FBI spokeswoman said FBI officials refuse to discuss Yasin. Yasin remains on the FBI's "Most Wanted Terrorists" list and is believed to be still in Iraq. If there is a good reason to keep these historical documents classified, the FBI declined to provide it.

Just two months after the 1993 World Trade Center attack, the Iraqi Intelligence Service attempted to assassinate former President George H.W. Bush. The IIS recruited a male nurse from Najaf as a suicide bomber to kill the former president on a trip to Kuwait. The plot was foiled when Kuwaiti police, thinking they had broken up a smuggling ring, learned of the Iraqi plans. The Clinton administration responded by bombing an empty Iraqi Intelligence Service headquarters at night.

* * *

"Cooperation between the two organizations should be allowed to develop freely through discussion and agreement."

Internal Iraqi Intelligence memo on Iraq-al Qaeda cooperation, June 25, 2004, New York Times

The relationship continued with high-level meetings throughout 1994 and 1995. The 9/11 Commission staff report that made headlines last year by declaring that such meetings between Iraq and al Qaeda "do not appear to have resulted in a collaborative relationship" also reported that the Sudanese government arranged for "contacts between Iraq and al Qaeda." The staff report continued: "A senior Iraqi intelligence officer reportedly made three visits to Sudan, finally meeting bin Laden in 1994. Bin Laden is said to have requested space to establish training camps, as well as assistance in procuring weapons, but Iraq apparently never responded."

That senior Iraqi intelligence officer was Faruq Hijazi, former deputy director of Iraqi Intelligence and longtime regime liaison to al Qaeda. According to several Bush administration officials with access to his debriefings, as well as a top secret Pentagon summary of intelligence on Iraq and al Qaeda known as the Feith Memo, Hijazi described a face-to-face meeting with bin Laden that took place in 1994. The language in the Feith Memo corresponds closely to that in the 9/11 Commission staff report. "During a May 2003 custodial interview with Faruq Hijazi, he said in a 1994 meeting with bin Laden in the Sudan, bin Laden requested that Iraq assist al Qaeda with the procurement of an unspecified number of Chinese-manufactured antiship limpet mines. Bin Laden thought that Iraq should be able to procure the mines through third-country intermediaries for ultimate delivery to al Qaeda. Hijazi said he was under orders from Saddam only to listen to bin Laden's requests and then report back to him. Bin Laden also requested the establishment of al Qaeda training camps inside Iraq."

An internal Iraqi Intelligence document obtained by the *New York Times* provides a window into the state of the relationship during the mid-1990s. A team of Pentagon analysts concluded that the document "appears authentic."

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The memo reports that a Sudanese government official met with Uday Hussein and the director of the Iraqi Intelligence Service in 1994 and reported that Bin Laden was willing to meet in Sudan. As a consequence, according to the Iraqi document, bin Laden was "approached by our side" after "presidential approval" for the liaison was given. The former head of Iraqi Intelligence Directorate 4 met with bin Laden on February 19, 1995. The document further states that bin Laden "had some reservations about being labeled an Iraqi operative."

But the absence of a formal relationship hardly precludes cooperation, as the document makes clear. Bin Laden requested that Iraq's state-run television network broadcast anti-Saudi propaganda; the document indicates that the Iraqis agreed to do this. The al Qaeda leader also proposed "joint operations against foreign forces" in Saudi Arabia. There is no response provided in the documents. When bin Laden leaves Sudan for Afghanistan in May 1996, the Iraqis seek "other channels through which to handle the relationship, in light of his current location." The IIS memo directs that "cooperation between the two organizations should be allowed to develop freely through discussion and agreement."

There are other reports of varying reliability of Iraqi support for al Qaeda during the mid-1990s. One senior al Qaeda operative in U.S. custody since 1995, Wali Khan Amin Shah, told FBI interrogators that an al Qaeda leader named Abu Hajer al Iraqi maintained a good relationship with Iraqi Intelligence. Abu Hajer al Iraqi ran al Qaeda's WMD procurement operation until his capture in 1998 and was described by another al Qaeda member as Osama bin Laden's "best friend." According to the Senate Intelligence Committee report, Wali Khan testified that he had knowledge of two "direct meetings" between the leadership of Iraqi Intelligence and Abu Hajer al Iraqi.

According to the presentation at the United Nations Security Council by Colin Powell on February 5, 2003, an al Qaeda member named Abu Abdullah al Iraqi received training in chemical and biological weapons in Iraq beginning in 1997. The information comes from another high-ranking al Qaeda detainee named Ibn Shaykh al-Libi, who ran bin Laden's notorious Khalden Camp outside of Kandahar. Said Powell: "The support that [al-Libi] describes included Iraq offering chemical or biological weapons training for two al Qaeda associates, beginning in December 2000. He says that a militant known as Abu Abdullah al-Iraqi had been sent to Iraq several times between 1997 and 2000 for help in acquiring poisons and gases. Abdullah al-Iraqi characterized the relationship he forged with Iraqi officials as 'successful.'" Al-Libi's reporting also formed the basis of several statements from CIA Director George Tenet.

Al-Libi has since recanted some of the information he provided. The debate about whether to give more credence to his original statement or his retraction continues. But the Senate Intelligence Committee report concluded that the terrorism section of Powell's speech "was carefully vetted by both terrorism and regional analysts" and that it did not differ "in any significant way" from earlier published CIA assessments.

* * *

"To gain the knowledge of the message from bin Laden and to convey to his envoy an oral message from us to bin Laden, the Saudi opposition leader, about the future of our relationship with him, and to achieve a direct meeting with him."

Internal Iraqi Intelligence memo describing the goal of meetings with an al Qaeda envoy, February 19, 1998

By all accounts, the relationship between Iraq and al Qaeda intensified in 1998. The Iraqis were growing more obdurate in their confrontation with the U.N. weapons inspectors, at times simply refusing to grant access to suspected weapons sites. The United States was losing patience —both with Iraq and with U.N. fecklessness. Al Qaeda, meanwhile, had found a home in Afghanistan and was turning out terrorists from its camps by the thousands.

On February 3, 1998, Ayman al Zawahiri, bin Laden's Egyptian deputy, came to Baghdad for meetings with Iraqi leaders. The visit came as Islamic radicals gathered once again in the Iraqi capital for another installation of Hussein's Popular Islamic Conferences. Iraqi vice president Taha Yasin Ramadan welcomed them on February 9 with the language of jihad:

> The Islamic nation's ulema, advocates and preachers, are called upon to carry out a jihad that God wants them to carry out through honest words in order to expose the U.S. and Zionist regimes to the world peoples, to explain facts, and to say what is right and to call for it. This is their religious duty. The Muslim ulema are called upon before Almighty God to act among the Muslim ranks to confront the infidel U.S. moves and to raise their voices against the U.S.-Zionist evil.

We do not have reporting on when, exactly, Zawahiri left Baghdad. But we do know from an interrogation of a senior Iraqi Intelligence official that he did not leave empty-handed. As first reported in *U.S. News & World*

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Report, the Iraqi regime gave Zawahiri $300,000 during or shortly after his trip to Baghdad.

On February 17, 1998, Bill Clinton traveled the short distance from the White House to the Pentagon to prepare the nation for a confrontation with Iraq. The symbolism was obvious, the rhetoric belligerent. Clinton explained why "meeting the threat posed by Saddam Hussein is important to our security in the new era we are entering." He warned about the threats from the "predators of the 21st century," rogue states working with terrorist groups. "There is no more clear example of this threat than Saddam Hussein's Iraq." War seemed imminent.

Two days later, on February 19, the Iraqi Intelligence Service finalized plans to bring a "trusted confidant" of bin Laden's to Baghdad in early March. The revelation came in documents discovered after the Iraq war by journalists Mitch Potter of the *Toronto Star* and Inigo Gilmore of the *Sunday Telegraph*. The U.S. intelligence community is now in possession of these documents and has assessed that they are authentic. The documents—a series of communiqués between Iraqi Intelligence divisions—provide another window into the relationship between the former Iraqi regime and al Qaeda. The following comes from the *Telegraph*'s translations of the documents.

> The envoy is a trusted confidant and known by them. According to the above mediation we request official permission to call Khartoum station to facilitate the travel arrangements for the above-mentioned person to Iraq. And that our body carry all the travel and hotel expenses inside Iraq to gain the knowledge of the message from bin Laden and to convey to his envoy an oral message from us to bin Laden, the Saudi opposition leader, about the future of our relationship with him, and to achieve a direct meeting with him.

A note at the bottom of the page from the director of one IIS division recommends approving the request, noting, "we may find in this envoy a way to maintain contacts with bin Laden."

Four days later, on February 23, final approval is granted. "The permission of Mr. Deputy Director of Intelligence has been gained on 21 February for this operation, to secure a reservation for one of the intelligence services guests for one week in one of the first class hotels," the Al Mansour Melia hotel in Baghdad.

That same day, Osama bin Laden and Ayman al Zawahiri, joined by leaders of four additional Islamic terrorist groups, announced the formation of the World Front for Jihad Against Jews and Crusaders, soon to become better known as al Qaeda. The grievances in the fatwa focused on Iraq. The terrorist leaders decried the presence of U.S. troops on the Arabian Peninsula. They protested the "great devastation inflicted on the Iraqi people by the crusader-Zionist alliance." They cited American support for Israel and surmised that the United States sought to distract world attention from the killing of Muslims in Jerusalem. To support this claim, the fatwa turned once again to Iraq: "The best proof of this is their eagerness to destroy Iraq, the strongest neighboring Arab state."

The fatwa declared: "The ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it."

The al Qaeda envoy to Iraq arrived in Baghdad on March 5, 1998. Notes in the margins of the Iraqi Intelligence memos indicate that Mohammed F. Mohammed stayed for more than two weeks in Room 414 of the Al Mansour Melia Hotel as the guest of Iraqi Intelligence. After extending his trip by one week, bin Laden's emissary departed on March 16.

Adding to the intrigue, the 9/11 Commission reported that "[i]n March 1998, after bin Laden's public fatwa against the United States, two al Qaeda members reportedly went to Iraq to meet with Iraqi intelligence." Were there two separate al Qaeda trips to Iraq in March 1998? It's possible that the IIS documents and the 9/11 Commission report refer to the same meeting. But the Iraqi Intelligence documents refer to one al Qaeda envoy, the 9/11 Commission report mentions two—raising the possibility that two separate meetings took place.

* * *

"The consistent stream of intelligence at that time said it wasn't just al Shifa. There were three different [chemical weapons] structures in the Sudan. There was the hiring of Iraqis. There was no question that the Iraqis were there."

Interview with John Gannon, former chairman of the CIA's National Intelligence Council, October 25, 2004

Open source reporting suggests the relationship continued throughout the spring and summer of 1998. William Safire of the *New York Times* and Yossef Bodansky, former director of the Congressional Task Force on Terrorism and Unconventional Warfare, have both reported the presence of an al Qaeda delegation at a birthday celebration for Saddam Hussein in April 1998.

In a speech at the U.S. Naval Academy on May 22, 1998, President Clinton warned that our enemies "may deploy

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compact and relatively cheap weapons of mass destruction—not just nuclear, but also chemical or biological, to use disease as a weapon of war. Sometimes the terrorists and criminals act alone. But increasingly, they are interconnected, and sometimes supported by hostile countries." Hostile countries such as Iraq, Afghanistan, and Sudan.

Although Osama bin Laden left Sudan in 1996, many al Qaeda operatives stayed behind. According to testimony from several al Qaeda terrorists now in U.S. custody, al Qaeda operatives worked closely with Sudanese intelligence. Sudanese intelligence provided security for al Qaeda camps and safehouses. These agents intervened when local Sudanese authorities arrested al Qaeda members for exploding bombs at an al Qaeda farm, securing the release of the detained terrorists. Jamal al Fadl, an al Qaeda terrorist who later cooperated with U.S. prosecutors, testified that he was ordered by Sudanese intelligence to assassinate a political rival to Hassan al-Turabi. Even after bin Laden's departure, al Qaeda and Sudanese intelligence were virtually indistinguishable.

Shortly after Clinton's speech, the CIA produced an assessment of WMD proliferation that covered the first half of 1998. "Sudan," it said, "has been developing the capability to produce chemical weapons for many years. In this pursuit, Sudan obtained help from other countries, principally Iraq. Given its history in developing CW and its close relationship with Iraq, Sudan may be interested in a BW program as well." CIA assessments through 2002 included similar analyses.

In July 1998, according to the 9/11 Commission report, "an Iraqi delegation traveled to Afghanistan to meet first with the Taliban and then with bin Laden." Referring to the March and July meetings between Iraq and al Qaeda, the Commission noted that "sources reported that one, or perhaps both, of these meetings was apparently arranged through bin Laden's Egyptian deputy, Zawahiri, who had ties of his own to the Iraqis." In a maddening omission, the report does not elaborate on the "ties" between al Qaeda's No. 2 and the Iraqi regime.

Trouble was clearly brewing. On July 29, the CIA's Counterterrorism Center (CTC) warned of "possible Chemical, Biological, Radiological, or Nuclear (CBRN) attack by UBL [Osama bin Laden]." But when the attack came, it was by conventional means: On August 7, al Qaeda terrorists struck the U.S. embassies in Kenya and Tanzania, killing 224—including 12 Americans—and injuring more than 4,000. Almost immediately, the CIA assigned responsibility to terrorists affiliated with Osama bin Laden.

The U.S. response came two weeks later, on August 20, striking two targets. The first of these, al Qaeda training camps in Afghanistan, was uncontroversial. The second target—the al Shifa pharmaceutical plant in Sudan—almost immediately gave rise to great controversy.

In justifying the strike on al Shifa, the Clinton administration pointed to several pieces of evidence: a soil sample indicating the presence of a precursor for VX nerve gas of Iraqi provenance; the presence of Iraqi chemical weapons experts at the plant; the long history of Iraq-Sudanese collaboration on chemical weapons; and telephone intercepts between senior Shifa officials and Emad Al Ani, the father of Iraq's chemical weapons program.

The press treated these claims with great skepticism. But Clinton administration officials and many intelligence analysts would continue to defend the intelligence surrounding al Shifa for years. In a January 23, 1999, article in the *Washington Post*, National Security Council counterterrorism director Richard Clarke defended the president's choice of target and said that "intelligence exists linking bin Laden to al Shifa's current and past operators, the Iraqi nerve gas experts and the National Islamic Front in Sudan." In an email he sent on November 4, 1998, to National Security Adviser Sandy Berger, Clarke concluded that the presence of Iraqi chemical experts in Sudan was "probably a direct result of the Iraq-Al Qaeda agreement."

President Clinton's secretary of defense, William Cohen, continued to defend the decision to strike al Shifa before the 9/11 Commission last year. Cohen explained that there were "multiple, reinforcing elements of information ranging from links that the organization that built the facility [al Shifa] had both with bin Laden and with the leadership of the Iraqi chemical weapons program."

In an interview with THE WEEKLY STANDARD last fall, 9/11 Commission co-chairman Thomas Kean said: "Top officials—Bill Clinton, Sandy Berger, and others—told us with absolute certainty that there were chemical weapons of mass destruction at that factory, and that's why we sent missiles." Kean added: "We still can't say for certain that the chemicals were there. If they're right and there was stuff there, then it had to come from Iraq. They're the ones who had the stuff, who had this technology."

In fact, the Iraqis were openly involved with the al Shifa facility. Sudanese foreign minister Osman Ismail was in Baghdad when the plant was attacked. He told reporters the facility was nothing more than a pharmaceutical factory. As proof he pointed to the existence of a contract awarded to al Shifa through the U.N. Oil-for-Food program. But the contract raised questions even then. In the eight months between the signing of the $199,000 contract and the U.S. strikes on al Shifa, no goods were delivered. With the benefit of hindsight, we now understand that Saddam Hussein manipulated the Oil-for-Food program to reward friends and business partners willing to help him circumvent U.N. sanctions and rebuild his weapons programs. U.S. counterterrorism officials tell THE WEEKLY STANDARD that relative-

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ly few Oil-for-Food contracts went to Sudanese companies, and that the contract with al Shifa stands out as troubling.

There was reporting about an Iraqi presence at a number of facilities in Sudan. The Clinton administration chose al Shifa for destruction largely because it was outside of Khartoum and was thus unlikely to result in a large number of casualties. There were several other potential targets. "The consistent stream of intelligence at that time said it wasn't just al Shifa," says John Gannon, who was chairman of the National Intelligence Council at the time. "There were three different [chemical weapons] structures in the Sudan. There was the hiring of Iraqis. There was no question that the Iraqis were there."

As for the August 1998 Iraq-al Qaeda plots against the U.S. and British embassies in Pakistan, revealed in the Guantanamo Summary of Evidence obtained by the AP, we are left with more questions than answers. Has the detainee's story been corroborated? Were the attacks in Pakistan what the CIA's counterterrorism center warned about on July 29? Were they to have been carried out in tandem with the August 7, 1998, al Qaeda embassy bombings? Were they intended as a rejoinder to the U.S. strikes on al Shifa? A Pentagon spokesman says the government's policy against discussing detainees prevents him from providing any answers. Other Bush administration and intelligence officials contacted by THE WEEKLY STANDARD either did not know about the detainee or refused to discuss the case.

On August 27, 1998, Iraq's *Babel* newspaper, published by Uday Hussein, labeled Osama bin Laden an "Arab and Islamic hero."

* * *

"Saddam Hussein and Osama Bin Laden have sealed a pact."

Milan's Corriere della Sera, *December 28, 1998, as cited in the Senate Intelligence Committee report, p. 328*

Saddam Hussein continued to defy U.N. weapons inspectors throughout the fall of 1998. Noncompliance was the norm. Confrontations about access to suspected WMD sites became almost a daily occurrence.

Back in Washington, members of both parties urged President Clinton to increase the pressure on Iraq. Congress was considering legislation that would make "regime change" in Iraq official U.S. policy. The United States also began broadcasting anti-Hussein messages into Iraq via Radio Free Iraq. The broadcasts were housed in the Radio Free Europe/Radio Liberty headquarters in Prague. The first broadcast went out on October 30, 1998. The Iraqis were furious and threatened retaliation. On November 8, 1998, a commentator on Iraqi state television insisted the broadcasts would do nothing to affect the "jihad spirit" of the Iraqis. A statement three days later from Saddam's Baath party called on Muslims to be steadfast in the ongoing Mother of All Battles and to undertake "unprecedented heroisms" to fight the Zionists and Crusaders. And then, a call for attacks:

> All living capabilities of the Arab nation should be toward the unity of the pan-Arab [world] and toward escalating the struggle to the highest levels of jihad. . . . The escalation of the confrontation and the disclosure of its dimensions and the aggressive intentions now require an organized, planned, influential and conclusive enthusiasm against U.S. interests.

This was not, apparently, just bluster. The Iraqi regime wired $150,000 to an account in Prague, according to Jabir Salim, the man on the receiving end. Salim was the Iraqi station chief in the Czech Republic and with the money he received an order: Recruit a young Islamic radical to blow up the headquarters of Radio Free Europe/Radio Liberty. Salim had difficulty finding someone to commit the martyrdom operation, he told British Intelligence after defecting to the West when the U.S. launched Operation Desert Fox—a series of cruise missile attacks on Iraqi targets—on December 16, 1998. Salim also told interrogators that the Iraq-al Qaeda relationship had intensified after the August 1998 embassy bombings and that the Iraqi Intelligence station in Pakistan served as the hub of Iraq-al Qaeda activity.

Operation Desert Fox would last four days. Saddam Hussein's response was revealing. On December 21, he dispatched one of his most trusted intelligence operatives, Faruq Hijazi, to Afghanistan to meet bin Laden. Hijazi had met with both Zawahiri and bin Laden on many occasions earlier in the decade. On December 26, Osama bin Laden condemned the U.S.-led attacks. "The British and the American people loudly declared their support for their leaders' decision to attack Iraq," bin Laden proclaimed. He added that this support made it the "duty of Muslims to confront, fight and kill" British and American citizens.

The meeting between bin Laden and Hijazi instigated a burst of intelligence reporting on Iraq and al Qaeda. One source reported that "the Iraqi regime was trying to broaden its cooperation with al Qaeda. Iraq was looking to recruit Muslim 'elements' to sabotage U.S. and U.K. interests."

These claims were not limited to sensitive intelli-

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gence reporting. In the weeks that followed the meeting, dozens of press outlets from around the world reported on it as well as several others. The reports indicated that Saddam had offered bin Laden safe haven, had already trained al Qaeda operatives, and was supporting bin Laden's efforts to attack Western targets.

The details reported were striking. On December 28 Milan's *Corriere della Sera* reported "Saddam Hussein and Osama Bin Laden have sealed a pact." In its issue dated January 11, 1999, *Newsweek* quoted an anonymous "Arab intelligence officer who knows Saddam personally" as warning that "very soon you will be witnessing large-scale terrorist activity run by the Iraqis" against Western targets. The Iraqi plan would be run under one of three "false flags": Palestinian, Iranian, and the "al Qaeda apparatus." All of these groups, *Newsweek* reported, had representatives in Baghdad.

The reports did not end there. Throughout February and March 1999, there was media speculation that bin Laden would relocate from Afghanistan to Iraq. Behind the scenes, Clinton administration officials were engaging in similar conjecture. According to the 9/11 Commission report, Richard Clarke sent an email to National Security Adviser Sandy Berger on February 11, 1999. Clarke told Berger that if bin Laden learned of U.S. operations against him, "old wily Osama will likely boogie to Baghdad." Days later Bruce Riedel of the National Security Council staff also emailed Berger, warning that "Saddam Hussein wanted bin Laden in Baghdad." Reports of Iraqi offers of safe haven, cooperation, and training continued throughout 1999.

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"The Shakir in Kuala Lumpur has many interesting connections that are so multiple in their intersections with al Qaeda-related organizations and people as to suggest something more than random chance."

9/11 Commissioner John Lehman, July 22, 2004

Two foreign intelligence services believe that Ahmed Hikmat Shakir, an Iraqi national who escorted a September 11 hijacker to the key planning meeting for those attacks in Kuala Lumpur, was working for Iraqi Intelligence: the Malaysians, who monitored Shakir's activities as he facilitated the travel for 9/11 hijacker Khalid al Mihdhar in January 2000, and the Jordanians, who detained Shakir for three months after the September 11 attacks.

Shakir began working as a VIP greeter for Malaysian Airlines in August 1999. He told associates he had gotten the job through a contact at the Iraqi embassy named Ra'ad al-Mudaris. In fact, al-Mudaris controlled Shakir's schedule—telling him when to report to work and when to take a day off. The Senate Intelligence Committee report reveals that "another source claimed that Mudaris was a former IIS officer."

Al-Mudaris apparently told Shakir to report to work on January 5, 2000, the same day September 11 hijacker Khalid al Mihdhar arrived in Kuala Lumpur. Shakir escorted al Mihdhar to a waiting car and then, rather than bid his guest farewell, jumped in the car with him. U.S. intelligence officials will not say whether Shakir was an active participant in the meeting, but with photographs provided by Malaysian intelligence, there is little doubt he was there. The meeting lasted from January 5 to January 8. Shakir reported to work twice after the meeting broke up and then disappeared.

He was arrested in Doha, Qatar, on September 17, 2001. He had been employed by the Qatari government in its Ministry of Religious Development. Authorities found what *Newsweek*'s Michael Isikoff and Daniel Klaidman described as a "treasure trove": contact information—both on Shakir and back at his apartment—for several high-ranking al Qaeda terrorists. They include: Zaid Sheikh Mohammed, brother of 9/11 mastermind Khalid Sheikh Mohammed; Musab Yasin, brother of Abdul Rahman Yasin, the Iraqi who participated in the 1993 World Trade Center bombing; Abu Hajer al Iraqi, the Iraqi national alleged to have been Osama bin Laden's "best friend"; and Ibrahim Suleiman, a Kuwaiti native whose fingerprints were found on the bombmaking manuals authorities say were used in preparation for the 1993 Trade Center bombing. We also know that in January 1993, shortly before the first attack on the World Trade Center, Shakir had received a phone call later traced to the New Jersey safehouse that served as the headquarters for that operation.

Despite this, the Qataris released Shakir. (The Qatari government has not responded to numerous interview requests.) But he was detained again on October 21, 2001, this time by Jordanians in Amman, where he was to have caught a flight to Baghdad. The Jordanians held him for three months. The Iraqi regime repeatedly contacted the Jordanian government and pressed for his release. The Jordanians, who had concluded that Shakir was working for Iraqi Intelligence, devised a plan and presented it to the CIA. The Jordanians proposed releas-

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ing Shakir, but only after extracting from him a promise to report back on the activities of Iraqi Intelligence from inside Iraq. Perhaps mindful of the woeful lack of human sources in Iraq, the CIA approved. The Jordanians set him free in late January 2002, at which point he returned to Baghdad.

He was never heard from again.

THE WEEKLY STANDARD asked 9/11 Commissioner John Lehman about Shakir last year, shortly after the commission's final report was released. "The Shakir in Kuala Lumpur has many interesting connections that are so multiple in their intersections with al Qaeda-related organizations and people as to suggest something more than random chance," he said. We clarified: "With respect to both al Qaeda and the Iraqi regime?"

"Yes. Both."

* * *

"Following the expulsion of al Qaeda from Afghanistan and their arrival in northern Iraq, Abu Musab al Zarqawi (a senior al Qaeda figure) was relatively free to travel within Iraq proper and to stay in Baghdad for some time. Several of his colleagues visited him there."

The Butler Report, July 14, 2004

Ten days before September 11, 2001, a small group of Islamic radicals came together in the northern, Kurdish-controlled area of Iraq. They would quickly come to be known as Ansar al Islam. Their ranks swelled as hundreds of al Qaeda terrorists fled the U.S. assault on the Taliban in Afghanistan. It quickly became clear to many policymakers and intelligence analysts that the Ansar camps were fallback zones for al Qaeda.

In time, one of Ansar's leaders would become the face of not only the Iraqi insurgency, but also of al Qaeda. Abu Musab al Zarqawi is, besides Osama bin Laden, perhaps the best known al Qaeda terrorist on the planet. He and his followers have been linked to terrorist plots the world over: from a plot in Jordan at the turn of the millennium, to the assassination of U.S. diplomat Laurence Foley in October 2002, to the Madrid train bombing on March 11, 2004. His personal role in the beheadings of hostages in Iraq has provided a stark reminder of the brutality of the jihadists.

As the war in Iraq approached, the Bush administration cited Zarqawi's presence in Baghdad from May to July 2002—allegedly, for medical treatment—as evidence that Saddam harbored and aided al Qaeda terrorists. This claim was met with a remarkable degree of skepticism.

Prior to September 11, there was nary a mention of Zarqawi. It appears that the intelligence community did not pay much attention to him until after 9/11, when, according to the Senate Intelligence Committee report, "an ongoing collection" became "aggressively worked." Thus, there is much uncertainty concerning his origins and exactly when his relationship with Saddam's regime began.

Recently, Ayad Allawi, the first post-Saddam prime minister of Iraq, stated that Iraqi intelligence documents show that Zarqawi was in Saddam-controlled parts of Iraq in late 1999. The documents, according to Allawi, also show that Zarqawi was setting up sleeper cells with the full knowledge of Saddam's intelligence services. If the documents are authentic, and we cannot offer a judgment one way or another, then they will put to rest any doubts about Zarqawi's involvement with Saddam's regime prior to the war.

There were many early reports that Iraqi intelligence officers were among Ansar's leadership and thus Zarqawi's cohorts. One of these was a man known by his *nom de guerre*, Abu Wael. Ansar's Kurdish enemies, and several IIS and al Qaeda detainees, claimed from the beginning that Abu Wael was an Iraqi Intelligence officer who managed the relationship between Ansar and Saddam's regime. The Kurds have also repeatedly claimed that he, as well as other IIS officers, supplied Ansar with funding and arms.

The case of Abu Wael remains unresolved, but the Kurds' claims that the Iraqi regime provided al Qaeda members with weapons and funding has been validated by other intelligence reporting. A May 2002 signals intelligence report, included in the Feith memo, stated that "an Iraqi intelligence official, praising Ansar al Islam, provided it with $100,000 and agreed to continue to give assistance." Another report from the National Security Agency in October 2002 said that "al Qaeda and Iraq reached a secret agreement whereby Iraq would provide safe haven to al Qaeda members and provide them with money and weapons." It was this agreement that "reportedly prompted a large number of al Qaeda members to head to Iraq."

In addition to Saddam's support for al Qaeda in Kurdish-controlled territories, we also know that Zarqawi was not alone in Baghdad. According to the bipartisan Senate Intelligence Report, the CIA "described a network of more than a dozen al Qaeda or al Qaeda-associ-

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ated operatives in Baghdad" before the war.

The intelligence community has downplayed the possibility that the Iraqi regime supported Zarqawi's prewar activities, including the assassination of Laurence Foley. Intelligence community analysts, according to the Senate Intelligence Committee report, point out that "neither of the two suspects" in the shooting "provided any information on links between al-Zarqawi and the Iraqi regime."

But we also have testimony from one of the suspects in the murder that Zarqawi "directed and financed the operations of the cell" responsible "before, during and after his stint in Baghdad between May and July 2002." And both of the suspects have said that "one member of the al Zarqawi network traveled repeatedly between regime-controlled Iraq and Syria after March 2002."

Thus, many in the intelligence community implausibly assume that Zarqawi could have planned terrorist attacks from neo-Stalinist Baghdad and had one of his operatives travel in and out of Iraqi regime-controlled territory without Saddam's approval. The next question is obvious: If it is so easy for regime foes to maintain a long-term presence in Baghdad and to transit in and out of Iraq, why was it so difficult for the CIA to operate there? This assumption flies in the face of everything we know about Saddam and his control over Iraq.

* * *

"The CIA had no [redacted] credible reporting on the leadership of either the Iraqi regime or al Qaeda, which would have enabled it to better define a cooperative relationship, if any did in fact exist. As a result, the CIA refrained from asserting that Iraq and al Qaeda had cooperated on terrorist attacks."

Senate Intelligence Committee report, July 7, 2004

The conclusion of the Senate Intelligence Committee report—that the CIA did not have the type of intelligence reporting that "would have enabled it to better define a cooperative relationship"—was ignored by the press. We now have reporting that demonstrates the nature of the relationship. One day there will be much more. At a large warehouse in Doha, Qatar, the Defense Intelligence Agency is reviewing millions of pages of documents from the former Iraqi regime. That process is painfully slow due to a lack of resources and a lack of interest in pursuing the full story of Iraqi support for terrorism.

That lack of interest is not new. As the anonymous intelligence analyst told the Senate Intelligence Committee: "I don't think we were really focused on the CT [counterterrorism] side, because we weren't concerned about the IIS going out and pro-actively conducting terrorist attacks." That the intelligence community did not pay particular attention to Saddam Hussein's terrorist aspirations created a sizable blind spot.

Why wouldn't Saddam Hussein conduct terrorist attacks against U.S. interests? The United States regularly bombed targets in Iraq—at times almost daily—in support of the no-fly zones. We conducted more significant attacks in January and June 1993, and again in 1996 and 1998. The CIA attempted to foment a coup in 1996. The U.N. sanctions sought to deprive Saddam of the resources he needed to sustain a robust military. The weapons inspections occupied his top officials and hundreds of intelligence officers. From 1998 forward, after the passage of the Iraq Liberation Act, the official policy of the United States was to end his regime. With that policy came support of Iraqi opposition groups who existed to remove him from power. For Saddam, then, the Gulf war never ended. He routinely accused the United States of "terrorism" and "genocide." The state-run Iraqi media threatened to exact revenge for more than a decade.

Further, Saddam had proven his willingness to use asymmetric means of retaliation time and again. He attempted to use his own intelligence service and terrorist surrogates against the United States during the first Gulf war. He assisted a fugitive from the 1993 World Trade Center attacks. He attempted to assassinate George H.W. Bush. He sought to blow up the U.S. government's Radio Free Europe/Radio Liberty headquarters. He openly supported terrorist activity in the region. "From 1996 to 2003," according to the Senate Intelligence Committee report, "the IIS focused its terrorist activities on western interests, particularly against the U.S. and Israel."

We know that in the context of a decade-long confrontation with the United States, Saddam reached out to al Qaeda on numerous occasions. We know that the leadership of al Qaeda reciprocated, requesting assistance in its endeavors. We know that reports of meetings, offers of safe haven, and collaboration persisted.

What we do not know is the full extent of the relationship. But we know enough to know that there was one. And we know enough to know it was a threat. ♦

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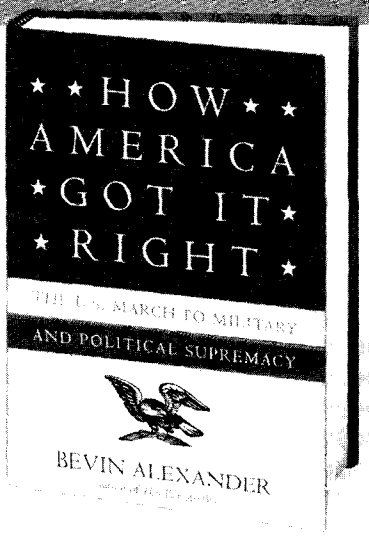

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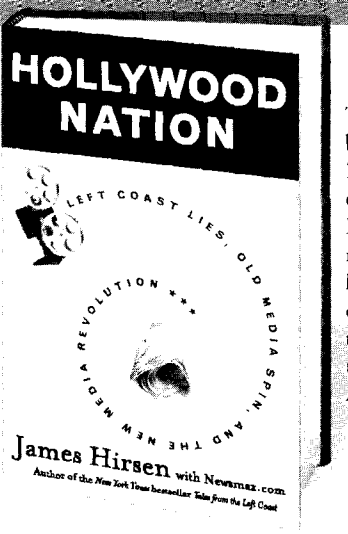

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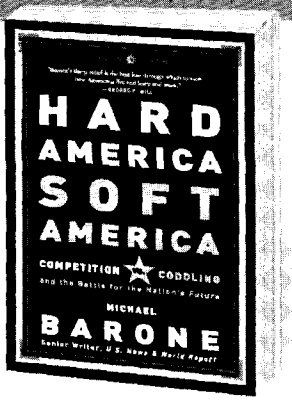

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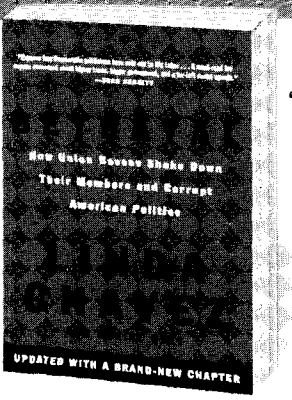

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The Shakespeare Plot

England's greatest poet was no Ian Fleming By Edwin M. Yoder Jr.

While attending an evening of Chekhovian drama in Moscow some years ago, Claire Asquith experienced a revelation. The actors, she realized, were transmitting coded comment over the heads of their political minders. She found it powerfully suggestive: If Chekhov, why not Shakespeare? If 20th-century Soviet oppression, why not the oppression of Roman Catholics in the reign of Elizabeth I and her Stuart successor?

The ultimate result is this curious and contentious book, whose central claim it is that the greatest English poet, a secret and militant Catholic, encrypted his poems and plays with the aim of transmitting forbidden truths about the English Reformation. There are fine pages and passages here, so it is too bad that Asquith's stylistic prowess is unsupported by notable skills or seasoning in historical and literary analysis. In fact, this performance calls to mind the tale of the sorcerer's apprentice, the amateur magus who deploys the master's powers but finds them uncontrollable. Which is to say that there are master sorcerers in the background, notably Stephen Greenblatt, doyen of the "new historicist" school of lit crit, whose recent biography, *Will in the World*, is a publishing sensation. The technique of the new historicism is to conjure from texts (and other places of concealment, including thin air) a conjectural reality; and for that ever-entertaining speculative enterprise, no life is more inviting than Shakespeare's, about which we know pitifully little.

Shadowplay
The Hidden Beliefs and Coded Politics of William Shakespeare
by Claire Asquith
PublicAffairs, 384 pp., $26.95

We know almost nothing, just to begin with, of where the poet was, or what he was doing, in the so-called "lost years," between the documented baptism of his twins in 1585 and his being denounced as an "upstart crow" by a rival playwright in 1592, although it is plausibly presumed that, by the late 1580s, he was beginning to make a splash as an actor and dramatist.

In the absence of reliable fact, the fallback must be guesswork; and Asquith's guesswork is ambitious and ingenious. Indeed, she is manifestly of the thin-air school of conjecture, since she focuses this book upon an aspect of the poet's life and mind about which nothing is known, though much may be inferred. Readers of the sonnets have often wondered if the allusion to "bare ruined choirs, where late the sweet birds sang" is a threnody for the usurped religious houses, closed and looted by the Protestant reformers; but no one knows. Recent scholarship has been bemused, moreover, by the possibility that Shakespeare was a Catholic, as his father almost certainly was, at a time when open profession of Catholicism was growing dangerous. Greenblatt speculates that young Shakespeare, fresh from his Stratford grammar schooling, may have served as a tutor to certain Catholic families in Lancashire. But even there, the evidence is flimsy—a passing reference to

Edwin M. Yoder Jr., a former columnist and editor in Washington, taught journalism and the humanities at Washington and Lee University.

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Guy Fawkes Night, 2000

CORBIS / Gideon Mendel

one "Shakeshafte" in a Hoghton family document.

At any rate, it is a wholly speculative possibility in William Shakespeare's life and outlook—a zealous but undocumented Catholicism—that Asquith runs away with, in the manner of the sorcerer's apprentice, deploying polemical fireworks that are sometimes brilliant but for the most part fanciful. Where seasoned Shakespeare scholars have stepped lightly, Mrs. Asquith rushes forward with a heavy tread; and the results are sure to try the patience of any reader who dares to imagine that Shakespeare's works are about what they seem to be about.

The author treats the works, chronologically, as a series of intricate and dazzling allegories, caviar to the general reader, perhaps, but clear to listening and watching insiders. Thus, in the early comedy *Two Gentlemen of Verona*, Proteus is England; Julia, traditional English religion; Sylvia the new religion. Venus in the narrative poem "Venus and Adonis" is Queen Elizabeth, pursuing, with rape in mind, a virginal Adonis, emblem of the Catholic Church. Richard III, the evil hunchback, is the Queen's adjutant Robert Cecil (the author's *bête noire*). *Romeo and Juliet* is a "cautionary tale for the [Catholic] resistance," and *The Merchant of Venice* "a cat's cradle of cryptic meanings."

In *Hamlet*, the "leprous" encrustation caused by the poisoning of the late king stands for the whitewashing-over of religious painting. In *Troilus and Cressida*, Agamemnon is Philip II of Spain, Ulysses the Jesuit father Robert Persons, and the Trojan camp is the king's privy council. When the dutiful Cordelia declines to swear exclusive love to her father, the besotted King Lear, this stands for the refusal of dissident Catholics and Puritans to take the Oath of Allegiance to the Crown. And on and on—this is a mere sampling.

Among other defects of her argument, Claire Asquith fails to acknowledge a distinction between two crucially different orders of interpretation. Allegory, which she thrusts into the dominant role, was indeed a familiar literary form in Shakespeare's time, the mode of a contemporary masterpiece, Edmund Spenser's *Faerie Queene* (1590, 1596), in which the figures and events are merely emblematic—"Gloriana" is Elizabeth I. But, so far as her book reveals, Asquith has no privileged access to the "coded" allegories she alone discovers in Shakespeare's plays and poems; and, accordingly, relies for the most part upon mere assertion. She makes the boldest claims for encryption regarding early plays that are commonly thought of as Shakespeare's apprentice work—for instance, the crude and bloody *Titus Andronicus*, which she reads as a masterpiece of veiled commentary. As for the later masterpieces, *Hamlet*, she asserts, is yet another elaborate shadow play or allegory in which the Prince of Denmark is modeled on Sir Philip Sidney, whom she identifies as a secret Catholic.

Of course, one problem with allegorical interpretation is that more than one may play at the same game. Since *Hamlet* explicitly mentions Wittenberg (with its Luther associations), and alludes in a macabre passage about Polonius's corpse to the Diet of Worms, where Luther was tried for heresy, why isn't it more plausible to read the play as a Reformationist allegory, to picture Hamlet's detention at Elsinore as thwarting England's natural affinity for Reform theology? And by the way, the play within the play that Hamlet casually calls *The Mousetrap* is actually *The Murder of Gonzago*, a fact the author seems to have forgotten. In any event, in less than Spenserian hands, allegory can be an inferior

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and tedious literary form, certainly unworthy of Shakespeare's genius.

Asquith's reading of the sonnets is equally unpersuasive. Where the poet-narrator of Sonnet 111 famously apologizes for a "public" identity that stains his reputation as the dye stains the dyer's hand, she is sure that he is confessing shame for dissembling his Catholic creed. Everyone else believes that the allusion is to the disreputability of the theatrical profession, which in that age was legally classified with vagabondage, and is the subject of related and neighboring allusions in other sonnets.

There is a second category of exposition, topical "echoes" and evocations. In *Macbeth*, for instance, it has generally been agreed that after finding a keen patron in James I (who permitted Shakespeare's company to be called the King's Men) Shakespeare tipped his pen to the king's notorious interest in witchcraft and, by the way, supplied him with royal descent from Banquo. In this and other plausible guesses, Asquith pays a fleeting visit to consensus interpretation.

The most serious embarrassment to her keystone theory, however, is not critical but bibliographical. In the First Folio of 1623, its two editors, Shakespeare's professional intimates, included the late play *Henry VIII* while excluding others as uncanonical on grounds of adulterated authorship. If Shakespeare had been a zealous detractor of the English Reformation, using his plays as instruments of coded propaganda, none would have been likelier to know it than the editors of the Folio, and surely none less likely to make a mockery of their colleague's memory by including a play that treats the Protestant reformers—even Archbishop Cranmer—sympathetically. Asquith is aware of the difficulty, but brushes it aside impatiently, on grounds that *Henry VIII* was probably written by another hand and, in any case, was simply too popular and profitable to leave out!

Shadowplay, brightly written as much of it is, may appeal to rationalist readers of a conspiracist kidney who think that things are never what they seem to be, and that the world is so orderly that the most intricate designs invariably work out. Indeed, Asquith's book is marked by that technique of rigorous deduction from dubious premises that is the hallmark of conspiracist thinking. Those who want a sane and seasoned antidote to the conjectures of the new historicism would do well to turn to a small masterpiece, Frank Kermode's recent *The Age of Shakespeare*. There, the master, not the apprentice, is fully in charge.

As for the poet himself, he remains, for most of us, veiled in biographical mystery, not least with regard to his personal convictions. Surely the most striking aspect of his unrivaled plays and poems is his insight into an all-but-bewildering variety of personalities and characters, minds, attitudes, emotions, and sensibilities—small-c catholicity in the truest sense. As for his own, there are suggestive hints, fleeting glimpses, and nearly inaudible voices, as if heard dimly from a distance. The rest—so far, anyway—is silence. ♦

Schlock Therapy

This week's plan to end world poverty. **BY ROGER BATE**

I came to this book with mixed feelings. Having met Jeffrey Sachs briefly in 2001, I was dazzled by his rhetorical skills, and he is obviously an incredibly bright and driven man, so I really wanted to understand why he is prescribing a kind of Great Leap Forward, a huge boon for the aid industry, but so destined for failure.

The End of Poverty
Economic Possibilities for Our Time
by Jeffrey D. Sachs
Penguin, 416 pp., $27.95

Of course, I was impressed with the book. Sachs's supreme self-belief—okay, breathtaking but enjoyable arrogance—almost seduced me into believing that ending poverty is not only possible, but straightforward. I had no idea that Sachs almost singlehandedly solved the macroeconomic problems of Bolivia and Poland, so perhaps his vision is the true one. It would be a relief to know that the failure of his proposed reforms for Russia and parts of Africa was caused by a lack of faith—that those countries simply didn't follow his advice.

Roger Bate is a resident fellow at the American Enterprise Institute.

It makes me quite sad that I know better. Sachs has become the intellectual cheerleader to the world's poor—articulate, passionate, persuasive, and wrong. Unfortunately, he will exact more influence over the distribution of aid than most cheerleaders have over team strategy.

He is right about the tragedy of poverty: Someone dying every three seconds from extreme poverty is a story that should be told with passion, and solutions should be urgently sought. Sachs has the passion, but his solutions seem to come down to a recurrent theme in his work: spending vast amounts of Western money to attempt to instantly instill economic reforms in poor or transitional economies. His approach has become known as "shock therapy"—a phrase that now dogs him, although he didn't seem to mind it when it was used alongside terms like the "Sachs plan" in the early 1990s.

About a decade ago, Sachs's attention switched from macroeconomic and currency reforms to the developing world, and especially the problems

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of Africa. He published influential papers on the costs of malaria and AIDS to Africa, and documented how all but a handful of Northern European countries were not hitting their U.N. targets of 0.7 percent of GDP in foreign aid.

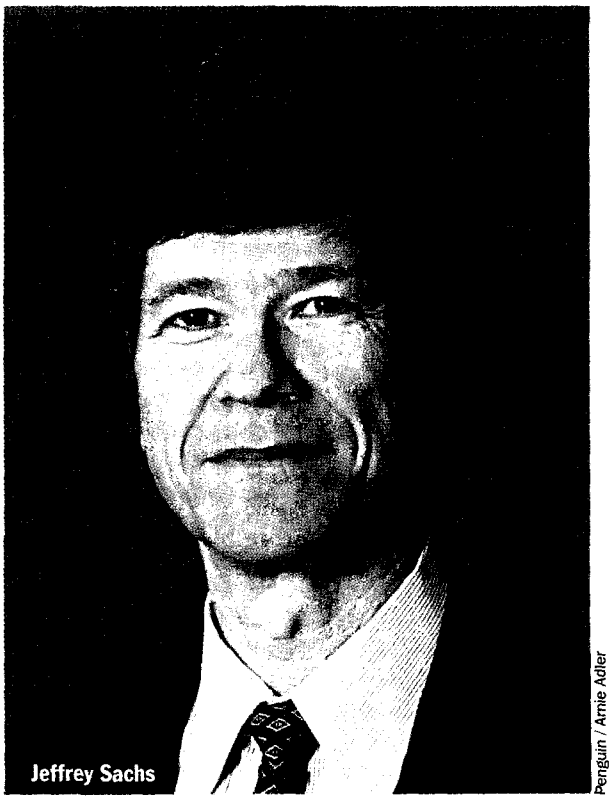
I am with Sachs on the hypocrisy of world leaders who sign up to targets and timetables without real thought as to whether they are deliverable. But I'm baffled that he has faith in targets. Early on, Sachs says: "The key is not to predict what will happen, but to help shape the future." Fair enough. But with his intellect and knowledge of the system, he should surely realize what all insiders know: that U.N. targets are missed because their purpose is to maintain jobs, make the bureaucrats feel noble, and to spoon-feed headlines to the media (who we all know are too lazy to properly check back on the stream of broken promises). It's Sachs's loss of analysis, when it comes to this aspect of human nature, that is most worrying.

His plan is that the U.N. should coordinate massive aid through the various large agencies (World Bank, IMF, WHO, etc.), delivering complex solutions (nitrogen-fixing plants, bed nets, water recycling, etc.) to complex problems (nutrient-poor soils, malaria, high water salinity, etc.) in areas of extremely low capacity. He predicts that increasing aid spending by tens of billions of dollars each year until 2025 will spring the poverty trap for good and all.

The idea that a poverty trap exists at the international level is just plain silly. No country can keep another one poor (unless by violence). Nor has any country become wealthy from handouts from another—individuals and Swiss bank accounts notwithstanding. Lack of good governance keeps citizens poor, and guaranteeing a ruler a life ticket on a gravy train is enough to corrupt a saint. Never mind the gravy train operators taking a cut. Despite the cynicism, the U.N. can be a force for good, but that ain't the way.

In the real world, it's the alternative approach of tailored aid to specific projects and marginal reform of institutions that is promoted by Sachs's nemesis, Bill Easterly, author of the *Elusive Quest for Growth* and a fellow New York-based economics professor, which has proved most successful, especially among the Asian tigers.

Interestingly, Sachs says he has drawn his economic approach from medicine—his wife is a physician—but the analogy is false. He says that the complex system of the body requires an understanding of complexity, a diagnosis, and targeted treatment, and so it is with economics. But where he is right about *treating* malaria in patients, his diagnosis of how to *control* malaria in Africa is bound to fail, because human beings respond to incentives and make choices, and red blood cells do not.


Jeffrey Sachs

Penguin / Arnie Adler

Sachs correctly chastises the IMF and World Bank for their dogmatic demands for structural reforms, such as cutting budget deficits, without establishing whether they improve sustainable growth. He dislikes their hegemonic and homogenous advice since, when it is wrong, it harms millions. It seems bankers, like the rest of us, prefer to stay within the crowd, even if the crowd is wrong.

Unfortunately his approach to malaria control fails for the same reason. The U.N. agencies that he trusts to control health spending in poor countries actually do what is least offensive to shareholders and advisers rather than what is best for patients. Given the choice, developing countries prefer to spray insecticides to control mosquitoes. Western donors, influenced by environmentalists, want to force them to use bed nets, even when they don't work or are used for fishing. So, WHO behaves just like the IMF. And when it is wrong—as it is much of the time—it is hugely damaging. It will be more so if Sachs gets his way and increases its influence tenfold.

The worst thing about long-term aid is that it encourages the brightest minds in a country to milk the system rather than do something productive. And this is the part of Sachs's book I find most disappointing: He ignores the history of failed aid, and the perversion of human action it causes.

Sachs is a great fundraiser, and I have no doubt more aid will be forthcoming; we're already seeing it with AIDS. But unless aid is well targeted, or free-market reforms are enacted, any health benefit will be short-lived. Take malaria: Eradicated from many countries when DDT was used, it returned significantly to some of them when DDT use was stopped. Critically, only in the countries that had reformed or improved economically, such as Singapore, did it stay eradicated.

If Sachs just stuck to cheerleading he might be occasionally annoying, but still useful to raise awareness. I hope, however, he never gets hold of the playbook. ♦

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Nuclear Philosopher

Big thoughts from a big man about big bombs.

BY EDMUND LEVIN

Herman Kahn, Sharon Ghamari-Tabrizi tells us, was "the only nuclear strategist who could have made a decent living as a stand-up comedian." Not everyone was amused. When Kahn's mammoth work, *On Thermonuclear War*, appeared in 1961, James R. Newman wrote in a notorious review in *Scientific American*: "Is there really a Herman Kahn? It is hard to believe. . . . No one could write like this. No one could think like this. . . . This is a moral tract on mass murder: how to plan it, how to commit it, how to get away with it, how to justify it."

The Worlds of Herman Kahn
The Intuitive Science of Thermonuclear War
by Sharon Ghamari-Tabrizi
Harvard, 386 pp., $26.95

Newman was wrong on one count. There was a Herman Kahn—and, at some 300 pounds, a lot of him. (Kahn said his response to Newman's doubts about his existence was to gain another ten pounds.) Kahn's road to becoming one of a handful of the most influential nuclear strategists was roundabout. Born in New Jersey in 1922, he moved as a child to Los Angeles, where he studied nuclear physics at UCLA and Cal Tech. After serving in World War II, he signed on in 1947 at the newly created RAND Corporation, funded by the Air Force as the first modern think tank.

Virtually the entire argot of nuclear war ("second-strike capability," "counterforce," "balance of terror") was either originated or refined by RAND's star-studded line-up of civilian thinkers, including Bernard Brodie, Albert Wohlstetter, and Andrew Marshall. (Marshall, a Kahn collaborator, would play a major role in Donald Rumsfeld's 21st-century revamping of the U.S. military.) The RAND crew created modern "systems analysis," the application of quantitative methods derived from economics to military problems, and pioneered the use of logical "game theory" and role-playing war games.

But Kahn's initial job at RAND was as an assistant to physicists Edward Teller and Hans Bethe, who were working on the hydrogen bomb. Kahn was a genius and a polymath—in 1943, he earned the highest grade ever recorded on the Army's intelligence test—but he came to realize he wasn't in their league. So he turned his scientifically trained brain from nuclear physics to the mind-bending dilemmas and paradoxes of the new discipline of nuclear strategy.

Thermonuclear weapons had created a bizarre, unprecedented situation: In the event of a war, each superpower faced the threat of mutual annihilation. That made nuclear war "unthinkable." But for nuclear deterrence to work, you *in principle* had to be willing to make good on your threat to retaliate. That meant you had to *think* about how to use nuclear weapons. And when you did that, things got complicated.

Kahn and the other RAND strategists were all driven by opposition to the Eisenhower administration's strategy of "massive retaliation," which raised the specter of an all-out nuclear strike against the Soviet enemy in the event of an attack on the United States, or any other significant provocation. Kahn thought this was crazy. (He told a group of Strategic Air Command officers, "In a real sense, you people don't have war plans, you have *wargasms*.") The most plausible scenario was not a Soviet "bolt from the blue," but some sort of limited nuclear strike. And if the Soviets attacked Western Europe, a doomsday response by the United States just wasn't credible. So he argued it made sense to have options for fighting a *limited* nuclear war—in particular, for "counterforce" strikes against military targets.

Nuclear war was not impossible. It would not necessarily be all-destructive. You had to think about it, and how to survive it. This was the core of Kahn's message. It was "comforting" to believe a nuclear war would inevitably lead to mutual annihilation, because it relieved you of the burden of thinking.

On Thermonuclear War made Kahn an intellectual celebrity ("I am one of the ten most famous obscure Americans," he quipped). He reached a wider audience in 1962 with a popularized version, *Thinking About the Unthinkable*. Kahn's girth and good humor made for good copy. He was "a roly poly second-strike Santa Claus," "a thermonuclear Zero Mostel" who was "as clearly fascinated by mega-calories as megatons." But he'd already become celebrated in policy circles for his chatty, freewheeling, marathon three-day briefings for analysts and officers, which became the basis for *On Thermonuclear War*. Kahn's ideas, as Ghamari-Tabrizi points out, were in the RAND mainstream. What set him apart was his style: "I can be funny on the subject of nuclear war," he said.

In her, at times, artfully written study, Ghamari-Tabrizi evokes the intellectual climate at RAND and paints a vivid picture of Kahn in action. ("The chubby young man in eyeglasses, clutching a pointer, tottering at a lectern flanked by easels and charts, perspiring freely," wandering in front of the projector, his enormous belly a screen for the tables and graphs.) Here is Kahn at one briefing, examining the paradox of having to *appear* willing to punish the Soviets for bad acts, but making sure they know your retaliation will be limited:

Edmund Levin is a writer/producer for ABC News.

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> Let me tell you my solution to the whole problem. . . . You make the SAC [Strategic Air Command] commander's job hereditary and put a guy like . . . General [Curtis] LeMay in charge who really is going to hit them hard. . . . You make his assistant's job hereditary and his job is to shoot LeMay at the outbreak of war. So you have a sensible strategy.
>
> You also . . . buy a fantastic number of IRBMs (intermediate-range ballistic missiles) and put them in Europe. Alert. Ready to Go. And this is bad because it makes the Russians trigger happy. . . . So you put (Bertrand Russell) in charge of them. You know they'll never be used. You make the assistant's job hereditary. Comes the crisis, he shoots Bertrand. . . .

Time Life Pictures / Getty Images / John Loengard

Herman Kahn, 1968

It's well known that Kahn was a model for Dr. Strangelove in Stanley Kubrick's 1964 black comedy. What's not so well-known is that Kahn met with Kubrick and briefed him on his theories. The two got on well. Ghamari-Tabrizi makes a good case that Kubrick didn't so much satirize Kahn as copy his shtick and spirit. "Dr. Strangelove's grotesque derives from Kahn," she finds. "They both believed that sick humor loosened public inhibitions." Kubrick lifted lines out of *On Thermonuclear War* verbatim. (After a special screening, Kahn, who liked the film, teased, "Doesn't that entitle me to a royalty?" Kubrick, not getting the joke, responded sternly, "It doesn't work that way.") The whole notion of the Doomsday Machine in the film came straight from Kahn's book. Kahn's point was that a machine that would automatically destroy the world if the United States were attacked was the "ideal" deterrent, if you really believed in massive retaliation.

Kahn's assertion that nuclear war was survivable—and the brio with which he elaborated baroque scenarios—did the most to earn him his Strangelove reputation. In a chapter called "Will the Survivors Envy the Dead?" he gave a clear answer: No. With adequate preparations, a nuclear war "would not preclude normal and happy lives for the majority of survivors and their descendants." The tone is sometimes macabre—"Table 3: Tragic But Distinguishable Postwar States," with casualties from two million on up—or arch: "One can almost hear the president saying . . . 'How can I go to war—almost all American cities will be destroyed?' And the answer ought to be, in essence, 'That's not entirely fatal, we've built some spares.'" Kahn pushes for a massive civil defense program. Factories could be built underground. New Yorkers could ride out an attack in caverns. Not unreasonably, Ghamari-Tabrizi joins the critics in finding his plans far-fetched.

But she also finds Kahn's most strident critics guilty of slander. In the self-righteous ire aroused by the book, she sees much in common with the "decency crusades" that claimed young minds were harmed by comic books. *On Thermonuclear War* "churned up much the same energies." Unfortunately, she doesn't stop there. She gives us a whole mini-history of the crusade against "sick" comic books. It's not her only attempt to lard on layers of social history and highfalutin literary criticism. Some of her offbeat approach works—Kahn does have something in common with Mort Sahl and "sick" comics like Lenny Bruce—but much of it has a tacked-on quality.

Ghamari-Tabrizi's overall judgment of Kahn is still harsh. She admires his intellectual bravery, "but it was folly to downplay the scientific uncertainties that engulfed his prediction of postwar survival. And more than folly to sweep aside the morality of fighting a war with weapons that would vaporize millions of innocent people in a single campaign."

This is unfair. Kahn, as she herself points out, was so willing to admit, in his words, the "chilling uncertainties," that you sometimes wondered if his analysis meant anything at all. No policymaker, he said, could ever comfort-

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ably go to war based on his speculations. Kahn was a model of intellectual integrity because he always laid bare the gaps in his own analysis and the trade-offs of risks and benefits in his proposals. He didn't "sweep aside" the moral questions; if there was a moral side, he felt he was on it. His overriding goal was to make nuclear war less likely, and to limit the human toll if one occurred.

An important point that goes unremarked is that Kahn, far from being gung-ho on nuclear war, was an early and persistent advocate of a "no-first-use" pledge by the United States. So when Ghamari-Tabrizi links Kahn to the Bush administration's interest in a new category of tactical nuclear "bunker busters," she is way off. Kahn had very limited faith in limited nuclear war; he wanted to do everything possible to avoid it. In fact, in *On Thermonuclear War*, he specifically argues against low-yield "battlefield" nuclear weapons because, even if they were militarily useful, he feared they would "blot out" the nuclear/nonnuclear dividing line. He wanted to make the nuclear taboo as sacrosanct as possible.

Ghamari-Tabrizi is more on the mark when she sees traces of Kahn's "strategic futurology" in Donald Rumsfeld's fear of "unknown unknowns." But she frets that the terrorist threat, like the Soviet threat during the Cold War, "drives the impulse toward extravagant speculation." Kahn did "speculate extravagantly," but he always made clear that scenarios were not predictions, but aids to the imagination.

And Ghamari-Tabrizi never mentions 9/11, which provoked a national discussion about the failure to think about the unthinkable. One wonders what insights Kahn would have come up with if he hadn't died suddenly in 1983 at the age of 61. "Is there a danger of bringing too much imagination to these problems? Do we risk losing ourselves in a maze of bizarre improbabilities?" Kahn asked in a 1963 paper.

The danger, he wrote, is a "lack of imagination, rather than an excess of it." ♦

Professional Mothers

They can be amateurs when it comes to raising children.

BY MEGHAN COX GURDON

I have to confess that my first impression of *How She Really Does It* was not positive. In fact, I snorted with derision. Flipping through the book and seeing testimonials from wealthy execu-moms such as couturier Vera Wang, broadcaster Ann Curry, and makeup superstar Bobbi Brown, I couldn't help thinking scornfully: "Great, just what the world needs. Another book celebrating the guilt-free glories of dumping your children with strangers so you can go to the office and *be* somebody."

How She Really Does It
The Secrets of Success from Stay-at-Work Moms
by Wendy Sachs
Da Capo, 205 pp., $19.95

Well, I was wrong. Although *How She Really Does It* deals with the stowing-away of offspring for the sake of female ambition, author Wendy Sachs does not flinch from acknowledging, for example, the corrosive guilt of peeling a toddler off one's bestockinged ankles before catching a train to the city. The balance she thus achieves, of cause and effect, of painful tradeoffs and often-irreconcilable desires, makes for a strangely refreshing and apolitical read. For Sachs, like many writers before her, is addressing the greatest dilemma of modern motherhood: What to do when you love your work, but also love, and want the best for, your children? Should you quit for the sake of your children, as conservatives are wont to recommend? Or should you keep working for the sake of your children (cash- and role-model-wise), as liberals tend to favor?

"It would be great if you had children and then the ambition went away," one mother tells the author. "But it's not like that."

No, it isn't, and you don't have to be a choleric feminist to admit it. As it happens, Sachs belongs to the generation of young mothers who feel almost no connection to the hairy-armpitted amazons of the sixties. Nor do they necessarily gravitate toward today's pedicured neo-traditionalist housewife counterculture. They are the product of what scholar Barbara Dafoe Whitehead calls the Girl Project: the great push from the sixties onwards to prepare girls for adult lives as independent, salaried careerists whose happiness was not dependent on traditional female roles. Wave after wave of these highly educated strivers have poured out of universities into demanding careers—only to find, five or ten years on, that they are totally unprepared for the compromises required by marriage and motherhood.

Of one such woman, Sachs writes: "Samantha says she felt completely blindsided by the impact motherhood had on her. She expected she would have her babies and would follow the course others promised her would be easy to navigate." Yet—surprise!—the "tug she felt toward motherhood altered her direction, surprising and scaring her at the same time. She, like other women I met, wants to impart advice to her own daughters—advice she never heard."

If that phrase sounds familiar to you, it should: Danielle Crittenden addressed this very phenomenon with elegance and force in her 1999 book, *What Our Mothers Didn't Tell Us*, in which she argued, in part, that

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Getty Images / Robin Davies

ambitious women should have their children young and *then* have careers, which is how earlier generations managed to Have It All (think Madeleine Albright, Sandra Day O'Connor, and Margaret Thatcher).

Many of the women Sachs interviewed for her book would clearly have benefited from such advice. "The overwhelming majority of moms I've interviewed," Sachs writes, "say they did not choose a career based on whether it would ultimately be compatible with having a family. It simply was never a factor until they were married or on the cusp of having children." She quotes a contributing editor to *Cosmopolitan* magazine: "I think Gen X women really feel misled."

Blindsided, as we have seen, and many rungs up the ladder of success, what do determined Stay-At-Work mothers do? Sachs relates various successful schemes. One Manhattan publicist organized a nursery in a spare office down the hall from her own and installed her infant and nanny in it. One entrepreneur—"mompreneur" is the clunky It phrase now—bought the apartment next door to supervise her business and her nanny simultaneously. A doctor imposes order on her hectic life by keeping office, apartment (with nanny and daughters), and gym within a five-mile radius. Bobbi Brown's assistant blocks out school holidays, half-days, field trips, and birthdays on her schedule before confirming any other appointments. And actress Cynthia Nixon makes a point of fetching her daughter from school "as often as I can even if I'm doing something later that afternoon, and I have to hand her over to somebody else after an hour. I feel that somehow that moment of me being there really seems to matter to her."

Of course it does—and this points to the poignant omission at the heart of Sachs' book. It looks at What Working Woman Wants, and only occasionally hints that the children involved may have very different yearnings.

Every afternoon, a crocodile of little children from a local daycare center ambles past our house—they toddle down the hill, and sometime later, they toddle back up the hill—and every day, without fail, one of the children is crying. It is always the same child: A redheaded boy of about three. The Hispanic daycare workers leading the troupe seem amiable enough; they talk to the children in sing-song voices. One of them always holds the hand of the inconsolable boy, but as she is not his mother, she cannot really be expected to take an interest in his emotions—and visibly doesn't.

One afternoon I happened to be looking out the window when the boy's mother arrived at the top of the hill earlier than expected. The effect on the child was galvanic: He rejoiced through his tears and tried to break away from the pack. A daycare worker restrained him until they reached his smiling mother, and he was released to rush into her arms. "How was he today?" I heard her ask, over his head. "Oh," the woman scoffed gaily, "He *fine*! We have *lots* of *fun* today, *didn't* we!" The boy kept his face buried in his mother's midriff, but she bobbed her head gratefully, thanked the workers, and off everyone trundled.

And I thought: She doesn't know. And they're not going to tell her. Her son is weeping his way through daycare, day after day, but she will be able to tell herself, as do many of the mothers quoted in *How She Really Does It*, that her child is thriving in a "happy environment."

Speaking of which, did you know that a "byproduct of having career ambition is a happier marriage and a more satisfying family life"? Sachs makes this claim based on a survey by *Working Women* magazine, which presumably would never feature a survey concluding anything else. Loretta, a marketing brand manager, confirms this felicitous finding in an interview with Sachs.

"I'm with adults all day," she says, "and when I come home, I have Lucas, so I do feel balance." No doubt she does, but as with the redheaded daycare kid in my neighborhood, you have to wonder, what does Lucas get? Sachs doesn't—perhaps can't—answer that one. ♦

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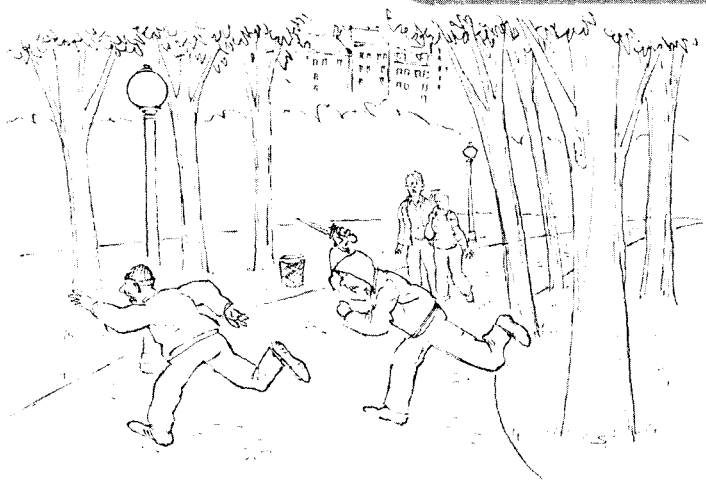

"Maybe it's Shakespeare in the park!"

Books in Brief

***How America Got It Right: The U.S. March to Military and Political Supremacy* by Bevin Alexander (Crown, 320 pp., $25.95)** In *How America Got It Right*, Bevin Alexander presents an abridged American history aimed at justifying our current foreign policy. Alexander argues that the characteristically American principles of "democracy over plutocracy, equality over privilege, liberty over oppression, and the prosperity of the many over the greed of the few" have led to a record of military success, and to a moral superiority over our reluctant European allies.

The book is neither a survey of American history, nor an in-depth analysis of foreign policy. Rather, the core of the book is a readable narrative history that "connects the dots" so as to create a picture that defends current American foreign policy. Alexander is not, however, above the occasional partisan gibe. In discussing events that led to American intervention in the Balkans, he comments that the shelling of a marketplace in Sarajevo "forced our timid president, Bill Clinton, to respond because he saw that inaction would lower his numbers in the next poll."

Alexander includes events that may change one's view of historic motives—events frequently slighted in politically correct texts. An example is the late 19th-century German and Japanese advances on the Philippines that preceded, and in Alexander's view justified, American occupation. Much of the text is accompanied by similar normative judgments.

Alexander's policy prescriptions—advanced in the introduction and conclusion, more so than in the core of the book—are dominated by a zealous defense of American policy decisions he perceives as correct, and an indictment of those he perceives as inappropriate. Alexander appears to present his policy views as those shared by many or all Americans (which they're not). More troubling is the extremely aggressive foreign policy that he advocates, which is rooted in his own unique view of history.

—Eric Wasserstrum

***Baptists in America* by Bill J. Leonard (Columbia University Press, 336 pp., $40)** Bill Leonard began cutting his ties with the Southern Baptist Convention in the early 1990s, when that denomination—America's largest among Protestants—made a decided return to theological conservatism. Since then, he has emerged as a leading voice on the Baptist left, arguing that conservatives have tried to define Baptist identity far too narrowly.

Leonard's latest offering is a kind of field guide to Baptist life in America, a topical study of how people who call themselves "Baptists" have disagreed with one another over everything—from doctrine and polity, to social issues like abortion. There are Baptists, Leonard explains, who stand in the Calvinist tradition of New England Puritanism, and others who deny even the Christian doctrine of the Trinity. There are Baptists who approach the Bible as the inerrant Word of God, and others who approach it as a merely human record of religious experience. There are Baptists who believe abortion is an unconscionable evil, and others who believe "a woman's right to choose" is grounded in the Baptist tradition of liberty of conscience. To be Baptist, Leonard asserts, is to be diverse.

But that is a simplistic reading of Baptist history. Of course anyone can set up a church, claim to be Baptist, and defy the world to say they are not. Simply taking the name, however, does not mean a person stands in continuity with *historic* Baptist traditions. On the contrary, few Baptists have ever taken an "anything goes" attitude to Christian belief and practice. As Leonard himself makes clear with his quotations of Baptist confessions of faith, they have always been a people who draw sharp lines between those beliefs they could recognize as orthodox Christianity, and those that they understood to be outside the pale.

Baptists in America will no doubt be a reassuring read to theological liberals who have much to gain by asserting diversity as the key to Baptist identity. Everyone else, however—including the vast majority of the nation's Baptists—will find the book rather unremarkable.

—Greg D. Gilbert

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Parody

"When I, a black man with a funny name, born in Hawaii of a father from Kenya and a mother from Kansas, announced my candidacy for the U.S. Senate, it was hard to imagine a less likely scenario than that I would win—except, perhaps, for the one that allowed a child born in the backwoods of Kentucky with less than a year of formal education to end up as Illinois's greatest citizen and our nation's greatest President.

"In Lincoln's rise from poverty, his ultimate mastery of language and law, his capacity to overcome personal loss and remain determined in the face of repeated defeat—in all this, he reminded me not just of my own struggles . . . ."

—"What I See in Lincoln's Eyes," by Sen. Barack Obama (D-Ill.), *Time*, July 4

To the Editor of *Time*, The Weekly Newsmagazine
Manhattan, New York

Sir,

You ask, What I see in Obama's eyes? Hitherto I have refrained from any account of *what* I see in Mr. Obama's eyes, preferring instead (as it may be the case) to suppose *how* I see in Mr. Obama's eyes; for in that, as surely as any may shine a light into some other's Soul, 'tis found the key to unlock a great mystery of the Age: To wit, how did this plain, unadorned Republic, clinging to a storm-toss'd seaboard and stretching Westward through mysterious woods and mountains, yield such a Citizen as this?

I will answer this way: Whence I have looked into Mr. Obama's eyes, I see not the strife and despair that so obscures the vision of his comrades and disciples (tho' I concede such obstacles as may remain are formidable ones), but the Genius of one who, by his appeal to the Electors of Illinois, has delivered what I conceive to be a National Treasure to Washington City. If there be another Statesman of such wisdom, such sagacity, such internal strength, and external beauty, to bestow his blessings on the machinery of State, as has Mr. Obama *done* and *promises* to do, in the Senate chamber, I have failed to see him.

Whither I have come, the offspring of a White Yeoman landowner, the descendant of Colonial Virginians, the spouse of a Kentucky scion, and, by profession, a lawyer for the railroad; this cannot but compare unfavorably with the harsh, uphill journey of Mr. Obama, a Black son of Africa and the Hawaiian Islands, *molded* from iron at the forge of the Harvard law school, *tempered* by experience, and *blessed* by God with manifold gifts of speech, manner, grace, and sapience, to which we (as we may fondly hope), might only repair with our own expectations, forlorn as they may be.

With Regards and Best Wishes, I am, Sir,
Very truly yours,

A. Lincoln

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Property

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The recent dreadful decision of the United States Supreme Court in *Kelo v. City of New London* held that New London could take the homes of ordinary citizens in the name of urban planning. It didn't seem to matter to the five-member majority that the city's porous redevelopment plan did not evince any intelligible purpose, let alone the public use that the Constitution requires.

The good news in the aftermath of *Kelo* is that it has forced people, especially on the political left, to rethink their views on the place of private property. Ever since the decisive and wrongheaded New Deal decisions in the mid-1930s, the Supreme Court has by and large held that the constitutional protections of private property should be read weakly so as to allow governments to act in ways that advance some notion of the common or public good. The underlying liberal vision was that private property was the instrument of individuals of privilege and power, which had to be cut down to size by an alert legislature that had the interests of the little man at heart. The liberal justices on the Supreme Court have accordingly done everything to give their blessing to local land use condemnation and regulation.

Kelo shows the utter fatuity in that position. There is of course every reason to believe that people with great wealth will use their power and influence to turn legislative decisions in their direction. But it hardly follows that private property is the villain of the piece. In many cases, the system of strong property rights works to protect people of limited wealth from the machinations of others. This defensive use of private property was evident to such philosophers as John Locke and such economists as Adam Smith. It impressed itself on this nation's Founders, who understood the risk that political factions put to the stability of our social order.

Here is one telltale sign of the massive amounts of political favoritism in *Kelo*. One common argument in favor of a broad use of the eminent domain power is that it is necessary to allow developers to assemble large parcels of land for major developments. But in *Kelo* the New London planners were quite happy to slate private homes for destruction while allowing the Italian Dramatic Club (a watering hole for local politicians) to remain untouched, even though it abutted one of the private homes that was taken.

Last year, the Michigan Supreme Court held that its state constitution blocked the use of the eminent domain power for so-called economic development. Other states are now falling into line. **With a little bit of hard work, the instinctive revulsion toward the *Kelo* decision could lead to a groundswell of public action.** But whatever the future brings, remember that the four dissenters—Rehnquist, O'Connor, Scalia, and Thomas—all so-called conservatives, were the defenders of the Constitution and the little man.

—Richard A. Epstein

Richard A. Epstein is a senior fellow at the Hoover Institution and a professor of law at the University of Chicago. He wrote an amicus brief on behalf of Kelo v. City of New London *in the Supreme Court.*

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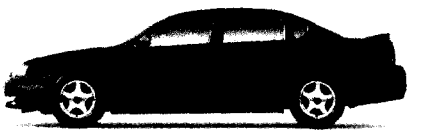
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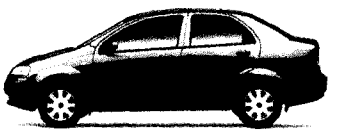
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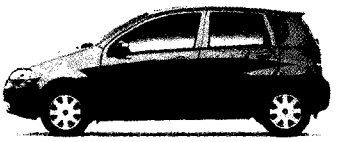
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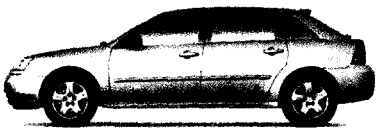
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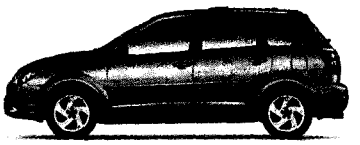
Saab 9-3: EPA est. 31 mpg hwy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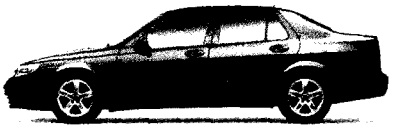
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Chevrolet Classic: EPA est. 34 mpg hwy

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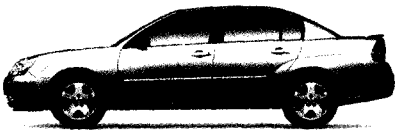
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Chevrolet Cobalt: EPA est. 32 mpg hwy

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